Tobacco Wars

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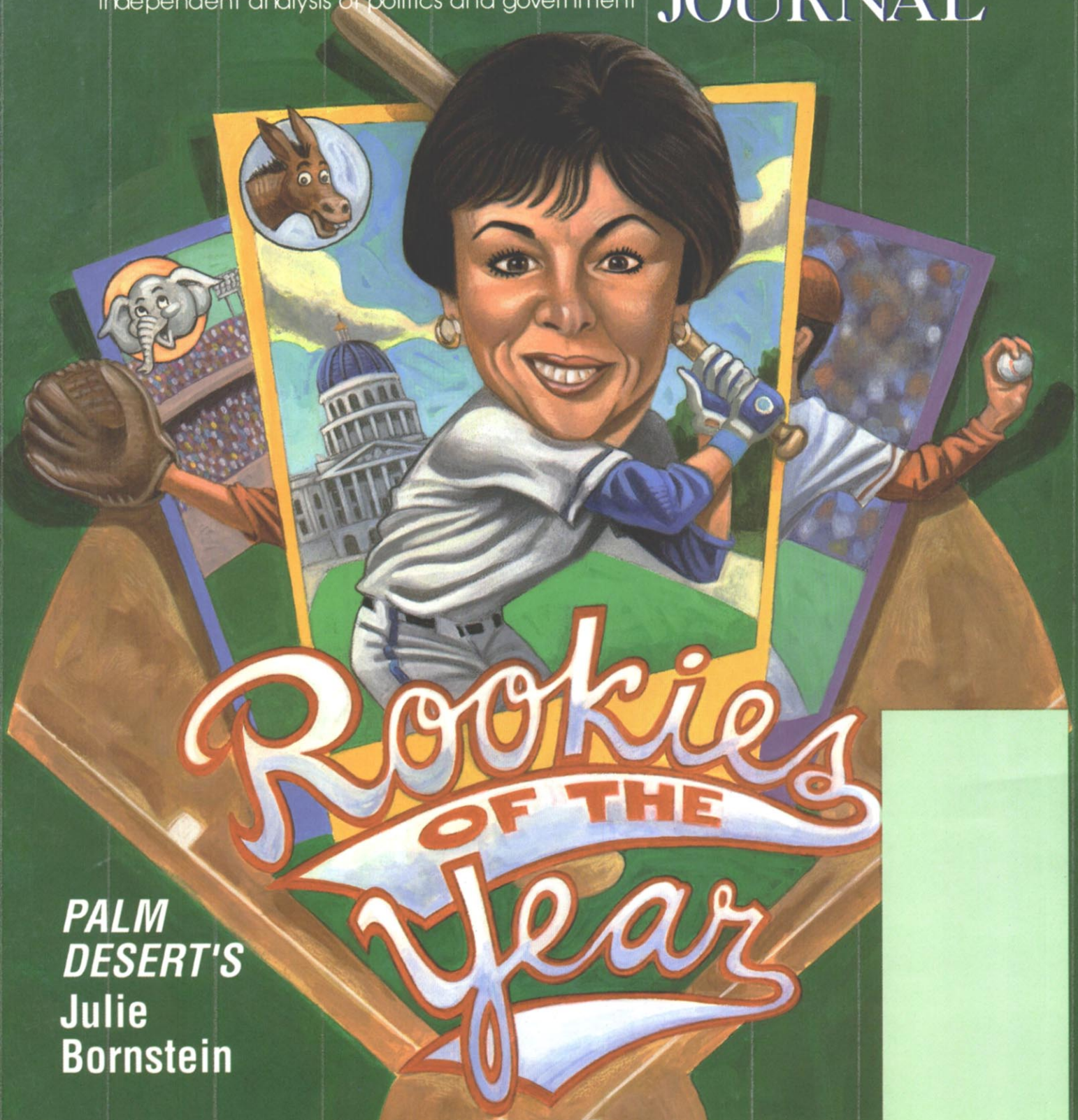
California JOURNAL

Independent analysis of politics and government



Rookies of the Year

PALM DESERT'S Julie Bornstein

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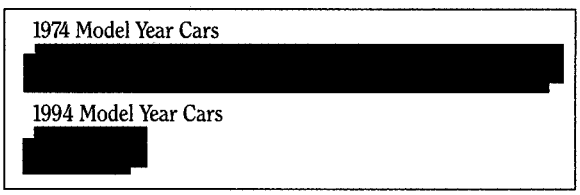

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**Sierra Research, Inc., California Emissions Factors Study, 1/31/94; 1974 model year cars compared to 1994 model year cars.*

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JUNE 1994
VOLUME XXV, NUMBER 6

California JOURNAL

Independent analysis of politics and government

Rookie of the Year 8
There are 32 members of the Class of '92, but Democrat Julie Bornstein of Palm Desert is the consensus heavy hitter.
By A.G. Block

Legislative staff 15
The era of term limits means an era of turmoil for legislative staff.
By Vic Pollard

Dianne Feinstein 18
The former mayor of San Francisco has made an immediate impact in her first year as a United States senator.
By Michael Doyle

Barbara Boxer 19
Portrayed as a liberal gadfly, Barbara Boxer has adapted well to the U.S. Senate's old-boy network.
By Herbert A. Sample

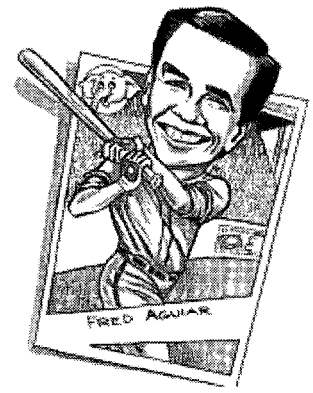
Tobacco wars 25
The tobacco industry is being routed everywhere, but it's fighting an effective rear-guard action in the Legislature.
By Steve Scott

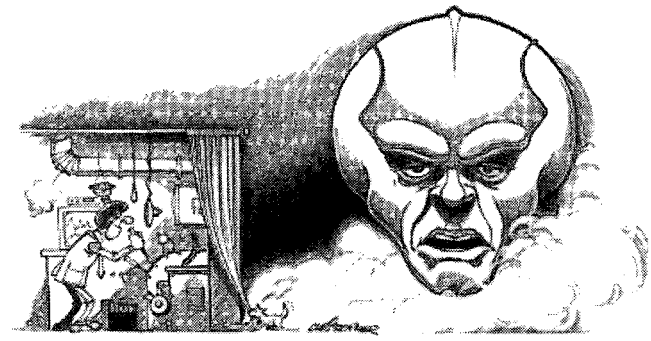
The low-profile court 35
The California Supreme Court, led by Chief Justice Malcolm Lucas, isn't making much news these days.
By Bob Egelko

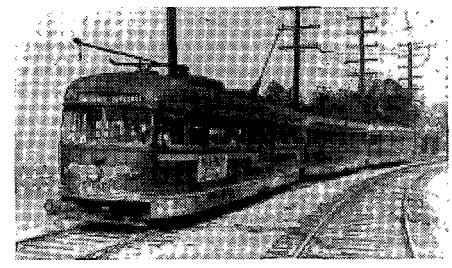
The selling of water 39
Under water-marketing deals, water could be a new commodity for sale by the state's farmers.
By J.A. Savage

LA train wreck 41
Los Angeles' mass transit system is a mess, and the investment in rail may not ease the situation.
By Mark Katches

Up Front 4
Rostrum 6
The Bottom Line 33
Washington Perspective 46







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Up Front

UMBRAGE

The Griffin syndrome. Speaking to the African-American delegates to last month's Democratic state convention in Los Angeles, gubernatorial candidate Senator Tom Hayden of Santa Monica concluded his remarks by saying, "I ask you not to think of me exactly like a white man, whatever you may think of me." What then? Slightly off-pink? And Hayden's chief rival, Kathleen Brown, had the word "sisters" surgically attached to her lip. First, she was introduced by Senator Teresa Hughes as "a sister" who "isn't Black, she's Brown" and a "sister who wants to be better than her brother." Then in her speech, Brown referred to California Teachers' Association lobbyist Alice Huffman as "sister Alice." James Howard Griffin, by the way, was a white writer who wrote the book "Black Like Me" in the 1960s.

Separated at birth. The face was familiar, but the setting was anything but PC for a trend-setting liberal. Yet, there he seemed to be — on page 29 of the current issue of *California Hunter* magazine — Senator Tom Hayden (D-Santa Monica) curled up behind the dead eight-point buck he'd just knocked off with a scoped rifle. Turns out to be a case of mistaken identity. The hunter in question was Charles Swetnam, who in the photo is a dead ringer for Hayden.

Knock off. Insurance Commissioner John Garamendi's gubernatorial campaign gambit of spending one day working at various jobs in each of the state's 58 counties is catching on. Why only last month, Senator Tim Leslie (R-Carnelian Bay) announced that he, too, would begin just such a program — and in Garamendi's back yard. Proclaimed a Leslie press release: "Leslie to clean house at Department of Insurance."

Pop-gun revenge. The AFL-CIO has decided to withhold endorsements from 14 California Democrats who voted for NAFTA. But that ringing "tsk, tsk" may fall far short of the threats dished out by labor during the NAFTA debates in Congress. At the time, labor — which bitterly opposed the treaty — threatened to actively run candidates against those it perceived as traitors to the cause. But in California, at least, few of those challenges have materialized. The 14 members: Vic Fazio, Bob Matsui, Norm Minetta, Sam Farr, Richard Lehman, Cal Dooley, Tony Beilenson, Howard Berman, Xavier Becerra, Lucy Roybal-Allard, Esteban Torres, George Brown, Nancy Pelosi and Anna Eshoo. Of those, Lehman, Beilenson, Brown and Eshoo are in for the roughest elections come November.

Flogged by Fowler. If the late Richard Nixon had lived in Elizabethan times, his story would have been told by William Shakespeare. It was that kind of life, that kind of flawed character: Ambition, doggedness and high intelligence took Nixon to the pinnacle of power; paranoia and insecurity ultimately brought about his downfall. It was the essence of tragedy, a concept noted by Congressman Vic Fazio (D-West Sacramento) who, in a statement following Nixon's death, called the former president "a truly tragic figure in American politics." That notion was lost on Fazio's November opponent, Republican Larry Fowler, who demanded that Fazio apologize for the remarks. Watergate, said Fowler, was a "tragic event in [Nixon's] life." The death of a cat is a tragic event; Nixon's life was a tragedy.

Overspin. When a candidate is running in a race as crowded as the Democratic primary in the 47th Assembly District, being vacated by Democrat Gwen Moore of Los Angeles, any kind of advantage could tip the balance from one candidate to another. Geoff Gibbs seemed to have accrued one of those intangible benefits when he proclaimed to reporters and prospective constituents that he'd won the endorsement of the Reverend Cecil Murray, influential pastor of the First African Methodist Episcopal Church. Murray's endorsement would have been a powerful calling card in the largely African-American district. Except for one small problem: Murray is neutral in the race. According to Kerman Maddox, director of 1st AME's political-action group, Reverend Murray has said nice things about both Gibbs and another candidate — Valerie Shaw. Maddox, however, emphasized that the pastor is "completely neutral" as far as a formal endorsement and that he had personally made that point with Gibbs on at least one occasion.

Partners. Seen at a Sacramento supermarket: one signature-gatherer prodding folks to sign two petitions — one, sponsored by the tobacco industry, to curb all those nasty smoking regulations; and another to set-up prepaid health plans paid for by severely increasing taxes on tobacco products.

Comparables. So, you're trying to decide if you want to fork out $10,000 to buy a zillion copies of a certain ballplayer's rookie card. How do you know if your guy will make it to the Hall of Fame, thus validating your shrewd investment. One way to judge future success is to find a player from a previous era and compare your guy to him at a similar stage in their development. By looking at performance and capability, you may be able to deduce that San Francisco outfielder Darren Lewis is the second coming of Willie Davis rather than of Willie Mays. Perhaps the same standard can be applied to politicians. Over the past four years, the conventional wisdom has been that Kathleen Brown was the second coming of father Pat and brother Jerry, combining Pat's warmth and conviviality with Jerry's intelligence. But judging by her performance thus far in the gubernatorial campaign, she may be more comparable to another California politician — Ronald Reagan. Reagan

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the actor was a political novelty act; as the daughter and sister of past governors, so is Brown. Reagan's phenomenal political success in part was built on an image created with smoke and mirrors: the superb communicator who beguiled the press and who excelled when his handlers controlled the environment but who floundered when forced to deal publicly on matters of substance. In other words, no there there. On one hand, Brown has a strong track record as treasurer. But Brown also seems to have trouble hitting the curve, preferring to fall back on platitudes when asked to detail her plans for solving the state's budget deficit, or resuscitating its education system, or coping with a bloated prison population. Is there a there to Kathleen Brown? Of course, it may not matter. Ronald Reagan's inability to think past his teleprompter didn't slow down his career.

Trickle-down ethics? From the *San Diego Union-Tribune*: "Most members of a mayor's advisory panel fail to file financial conflict-of-interest statements, violating a San Diego City Council requirement. Sound like a case for the city's Ethics Advisory Board? How about ... this *is* the Ethics Advisory Board." Eight members of the nine-person board failed to file, according to the newspaper. Surprised? Don't be. When was the last time you remember anyone at the Capitol paying more than lip service to ethics or ethics?

"Everyone has talent. What is rare is the courage to follow it to the dark place where it leads."

— Erica Jong

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front." So, rush your items to Up Front, 2101 K Street, Sacramento, CA 95816. Sorry, submissions cannot be returned.*

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Rostrum
LETTERS

Voice of the Voter

We read with wonderment Susan Rasky's hostile assessment of our election project, "Voice of the Voter" (see "The Bottom Line," *CJ*, May 1994). A few points about our project:

• "Voice of the Voter" supplements our traditional coverage; it doesn't replace it. We depend heavily upon the acumen of our political reporters and editors, and we have no desire to see traditional journalism eclipsed by *vox populi*. We also believe, however, that our readers, listeners and viewers have a useful contribution to make to our total coverage.

• The cooperation between KQED-FM radio, KRON-TV and the *San Francisco Chronicle* is an unusual example of electronic and print news media coordinating complementary coverage of a political campaign, while maintaining their independence and essential competitiveness. We think this is good journalism and good for the democratic process.

Perhaps nothing that politicians do ever surprises you, but the degree to which politicians duck direct questions is not always that clear to the public. "Voice of the Voter" makes that point rather dramatically and, not incidentally, has limited the candidates' ability to duck and run.

• The Bottom Line tells us that "policy wonks are crunching the relevant numbers and beginning to usefully frame policy choices" and implies that we are failing to cover these issues. On the contrary, we have and will continue to report on public-policy issues in great detail. Every measure available, however, suggests that many citizens tune out traditional coverage of public-policy matters. So we think it is useful to consider new ways to cover these issues.

There certainly needs to be much discussion about the promise — and the very real limits — of attempts to involve citizens in news coverage. But that discussion is poorly served by your columnist, who seems to feel that filtering the news through experts should exclude constructive discourse with citizens. The column closes with the observation that, "it may be democracy but none dare call it journalism."

It is precisely because democracy and journalism have grown so far apart that we believe "Voice of the Voter" is a useful initiative.

AL HOLZER
Vice president, KRON-TV
SALLY EISELE
Assistant news director, KQED-FM
DON ROSENHEIM
Managing editor, *San Francisco Chronicle*

Huffington

In your recent article on my race for the U.S. Senate (see *CJ*, May 1994), you wrote that while I'm running for the Senate, I supposedly said that if the opportunity to be president presented itself to me, "I would try to take it." This is not accurate. I said that I would not preclude possible future options. However, I am not interested in trying "to take" the presidency. I am running for the Senate, and I look forward to being the next U.S. senator from California.

MICHAEL HUFFINGTON
Member of Congress
Santa Barbara

AD 14

I'd like to point out that your district analysis of Assembly District 14 left my name off the slate of candidates.

DAVID ANDERSON
Republican candidate
Assembly District 14

AD 57

Your district analysis of Assembly District 57 listed me as a councilman from El Monte. I actually am a councilman from Baldwin Park.

MARTIN GALLEGOS
Baldwin Park

California Journal welcomes your comments and opinions on articles that appear in the *Journal*. Please address all correspondence to Editor, *California Journal*, 2101 K Street, Sacramento, CA 95816. *Journal* editors reserve the right to edit for space

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The Assembly Class of 1992

The TERM-LIMIT BABIES'

By A.G. Block

They came to Sacramento to change the world, and there were so many of them that they could not be ignored. They joined an Assembly that had just undergone a radical change, an Assembly controlled by a powerful speaker and entrenched leadership. But they were cocky and ambitious and impatient to make their marks upon the world; they planned to shake up the Assembly's old-boy network, end its business-as-usual attitude and bring about a new age of legislative glory. Eventually, although a talented group, they failed to shake things up all that much and were absorbed into the Assembly's body politic. Business did not become unusual after their appearance.

That was the Class of 1964-66. It arrived as the Legislature mutated from parttime to fulltime, and it joined an institution dominated by Speaker Jesse Unruh. Among its members: a future governor, a secretary of state, a controller, two speakers of the Assembly, a Senate pro tem, adept and influential legislative committee chairs, congressmen and powerful local leaders. But it took a while for this to unfold, because when Pete Wilson, Willie Brown Jr., Bob Moretti, David Roberti, March Fong Eu, Ken Cory, John Vasconcellos, John Burton, Pete Schabarum — to name but a few — first dumped their bags in Sacramento, they were lumps of nameless, raw, unmolded wanna-be meat. The world had to wait a few years before they began to stamp their wills on California politics.

The same opening paragraph could be written about the 32-strong Class of 1992-93-94. It joined a Legislature mutating because of term limits, imposed on it after the passage of Proposition 140 in 1990. And it joined a Legislature dominated by Speaker Willie Brown Jr. But there, the similarities end. The Class of '64-'66 had the luxury of time — time to learn the intricacies of the state budget, to learn how to maneuver a bill through committee, to learn the art of the deal, to soak up a policy arena such as education or health care or insurance or banking or revenue and taxation.

But for the Class of '92-'94, the luxury of time has been replaced by the poverty of time. Thanks to Proposition 140, lawmakers now have six years — three terms — before their Assembly careers are tanked. Rookies must make their marks quickly. And they must learn, in one term or two, the legislative and political skills that lawmakers traditionally have had years to absorb. Urgency has become a byword.

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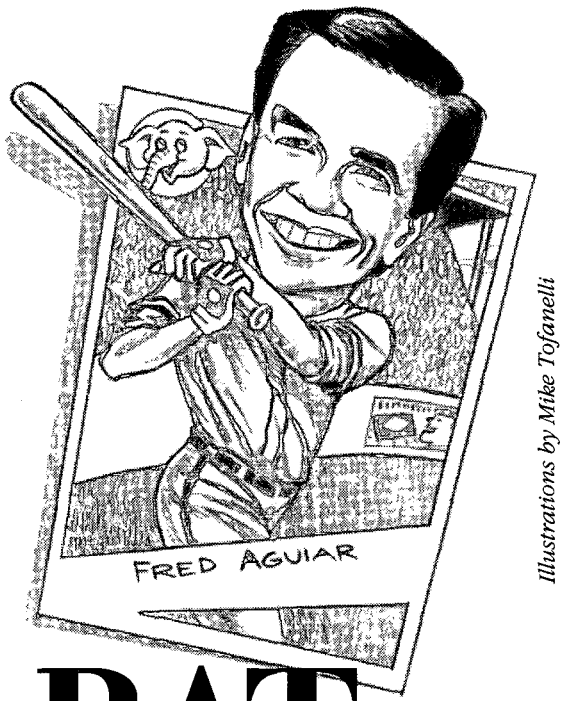
The Class of '92-'94 came to Sacramento with the avowed determination to shake up the system, to end gridlock and pour itself into solving some of the state's most pressing problems. Thus, it vowed nearly *en masse* upon election, it would be different from all previous classes. Policy would be its calling; politics would take a back seat. It would organize, act with bi-partisan harmony, eschew the normal routines of fund-raising and bickering. This attitude lasted about 12 seconds, and the class — like all of its predecessors — has been digested into the Assembly. Its initial bi-partisan bravura quickly dissolved as the existing Republican and Democratic caucuses "educated" its rookies.

At this point, most observers concede, it is difficult to evaluate the class as a whole, although individual members have started to assert themselves. To find out who is emerging from the pack, *California Journal* sought out a small battalion of veteran members, lobbyists and staff. Surprisingly, their views did not differ widely; there was general consensus about which rookies are doing well and which are floundering. What follows is a digest of their opinions.



Illustrations by Mike Tofanelli

FIRST AT BAT

ROOKIE OF THE YEAR

Julie Bornstein (D-80)

Near-consensus "Rookie of the Year" ... former community college trustee ... an attorney who narrowly defeated incumbent GOP Assemblywoman Tricia Hunter in '92 and has a difficult district where voter registration is 48 percent Democratic, 40 percent Republican ... bright, articulate, hard working and multi-talented ... finished 7th among rookies and 30th overall in *CJ's* survey of legislators ... already at the top of her game, with polished political and legislative skills ... reads a bill and wants to understand more than the language; wants to understand the politics ... adroit at grasping policy issues ... has learned how to maneuver inside the Legislature — not just how to cut a deal, but how to cut the right *kind* of deal ... willing to buck the caucus on issues important to her district, especially involving agriculture ... when faced with setback, knows how to give in gracefully and understands the value of a collegial concession ... regarded by lobbyists as an excellent author for legislation ... also regarded as the best advocate in the class, one who can go toe-to-toe with any opponent, and as a probing committee member who is prepared and asks intelligent questions that are on point ... may be too liberal for her district, but seems to consistently vote her district's interests ... has good working relationship with staff, which she respects ... vice-chair of Agriculture Committee and elected by her peers as chairwoman of the Democratic Caucus this spring ... seen as being groomed for speakership by Assembly Speaker Willie Brown Jr.

"The key with Bornstein is the respect she generates among her colleagues. A lot of members look up to her, and this is unusual in a freshman. You don't become caucus chairman unless you have the confidence of members."

"There is no comparison. This woman knows what she is doing."

THE ALL STARS

Fred Aguiar (R-61)

A registered Democrat until the late 1980s ... former mayor of Chino ... kayoed an Ontario councilman and the mayor of Pomona in the 1992 GOP primary ... word most often applied to him is "reasonable" ... universally well liked and well respected because he is seen as fair, thoughtful, hard working and intelligent ... especially liked among staff, which he treats with respect ... ranked 5th among rookies and 26th overall in *CJ's* survey of legislators ... has intuitive sense of what works in Capitol politics and is up front about his views on issues, a "straight shooter" ... comes across as disinterested in partisan gamesmanship ... tends to focus on local-government issues, which narrows his sphere ... isn't as well known as others in his class because he doesn't network ... good on policy but may never move into the upper ranks of leadership ... seems to lack a killer instinct.

"Among Republicans, he's at the top. He's not here on some kind of ideological mission. He wants to be productive."

"He pays attention to the issues. You can see by the way he comports himself in committee that he's prepared. He asks intelligent questions and doesn't seem to be locked in to any kind of philosophical bent."

Debra Bowen (D-53)

A surprise winner in '92 election against a GOP opponent connected to the religious right ... district registration only 43 percent Democratic, 41 percent

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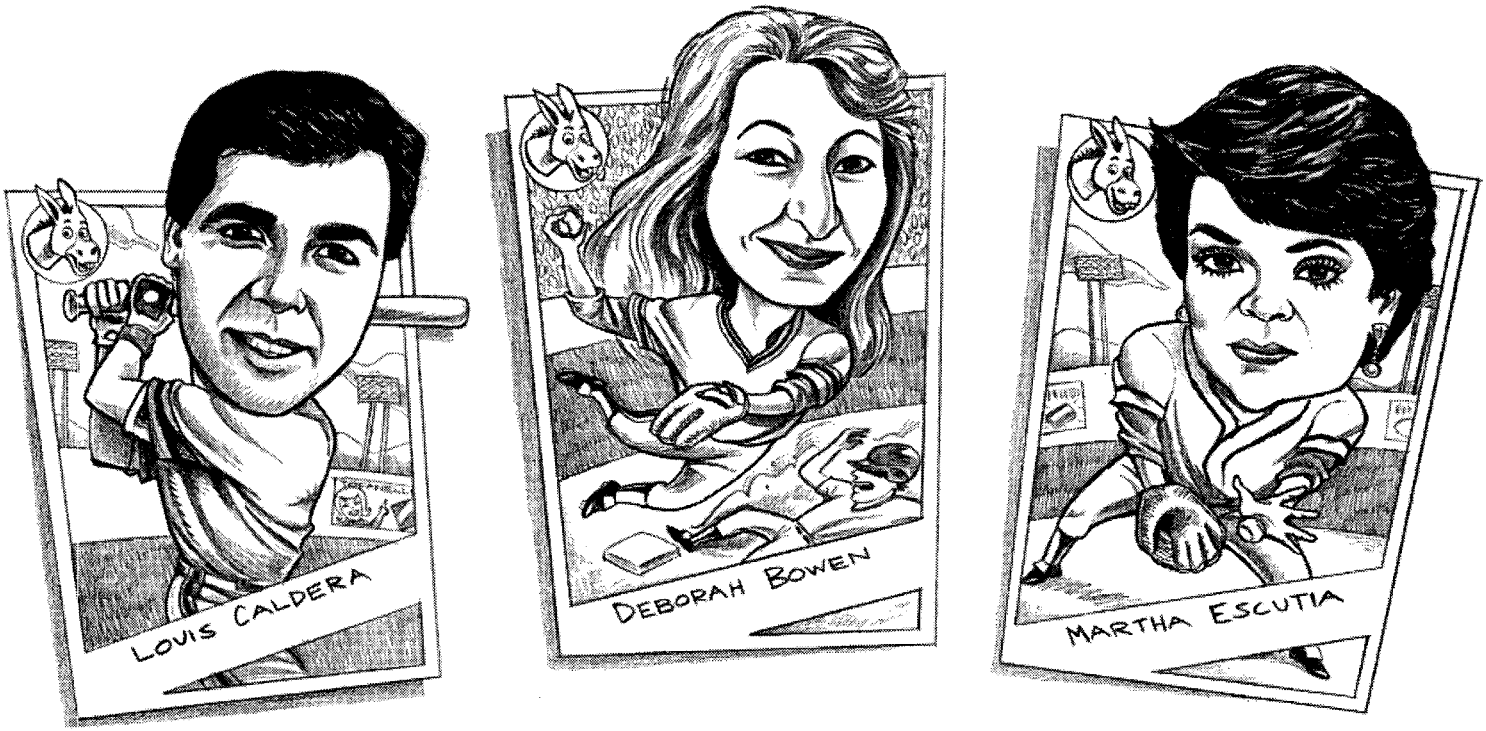

Republican, which puts her on shaky ground ... carried some interesting legislation, including a successful measure to put bill texts onto the Internet and an unsuccessful one on campaign-finance reform ... an attorney in private life, with no experience in elective office ... tied for 1st among rookies and 17th among all members in *CJ's* legislative survey ... a maverick legislator who tends to equate integrity with independence ... regarded as extremely bright, courageous, gracious and hard working but seems to possess limited political skills ... tends to take an all-or-nothing attitude that restricts her effectiveness and could isolate her as colleagues begin to work around rather than with her ... needs more experience working with people who don't agree with her ... has angered colleagues and lobbyists by voting against bills that had been amended according to her demands ... is strong-willed, persistent and is unwilling to have her views set aside simply because she is new ... cast 54th and final vote for the 1993-94 budget after holding out until the wee small hours of June 30th ... vice-chair of Consumer Protection, Governmental Efficiency and Economic Development Committee.

"She's going to have a difficult time here because she doesn't understand that this is a process of compromise."

"She's extremely bright, but I'm not sure she wants to get something done as much as she wants to show independence. And she often does this over minor matters. She angers her colleagues when she does this over the minor stuff, and they see her as intolerant."

Valerie Brown (D-7)

Defeated mayor of Vallejo in '92 primary and a Sonoma County supervisor in general ... former vice mayor of Sonoma ... mixed reviews as a legislator: at times is enthusiastic and hard-charging; at other times, becomes easily discouraged by setbacks ... intelligent and can handle a varied and large work load, but gets publicly frustrated when she doesn't get an issue rather than trying to understand it ... tied for 1st among rookies and 17th overall in *CJ's* legislative survey, including 7th overall in "potential" ... a commanding physical presence who knows her way around a hearing room and a witness table ... often asks provocative questions in committee .. made huge splash early on and was something of an annointed star as the first rookie to be named to Ways and Means, but has regressed as a legislator ... has a tough time trading votes and not as adept at deal-making as some of her classmates ... regarded as too ambitious and aggressive at times, with a recently developed sense of self-importance that seems forced ... less given to thoughtful debate than a year ago and often is not well briefed ... lately, not seen as substantive as many expected her to be, but can be very effective when fired up on an issue ... may have taken her early press clippings too seriously ... vice chair of Local Government Committee.

"She has great potential. And she has been given a lot of responsibility early on. The speaker made her chairwoman of his effort to study the relationship between state and local government — the reinventing government hearings — and she did an excellent job with a tough subject."

"Disappointing. She's become arrogant and a lot has gone to her head. She seems to be using a sound-bite style of discussion and is becoming less and less thoughtful. This is different than when she first arrived."

Louis Caldera (D-46)

Aligned with Polanco-Torres-Alatorre nexus in Los Angeles politics ... won a narrow '92 primary victory over a candidate backed by Los Angeles County Supervisor Gloria Molina ... terrific resume, including a bachelor's degree from West Point and an MBA and law degree from Harvard ... considered among the best of the class in terms of pure brainpower but a little stiff in temperament ... 2nd among rookies and 19th among all members in *CJ's* legislative survey; 1st among rookies in intelligence ... does not suffer fools well, so sometimes comes off as arrogant ... overall effectiveness currently hampered by an aloof demeanor, but works well in committee to help solve problems and grind through gridlock ... works very hard and is a quick study on issues ... reads bills and tends to rely on his own analyses ...

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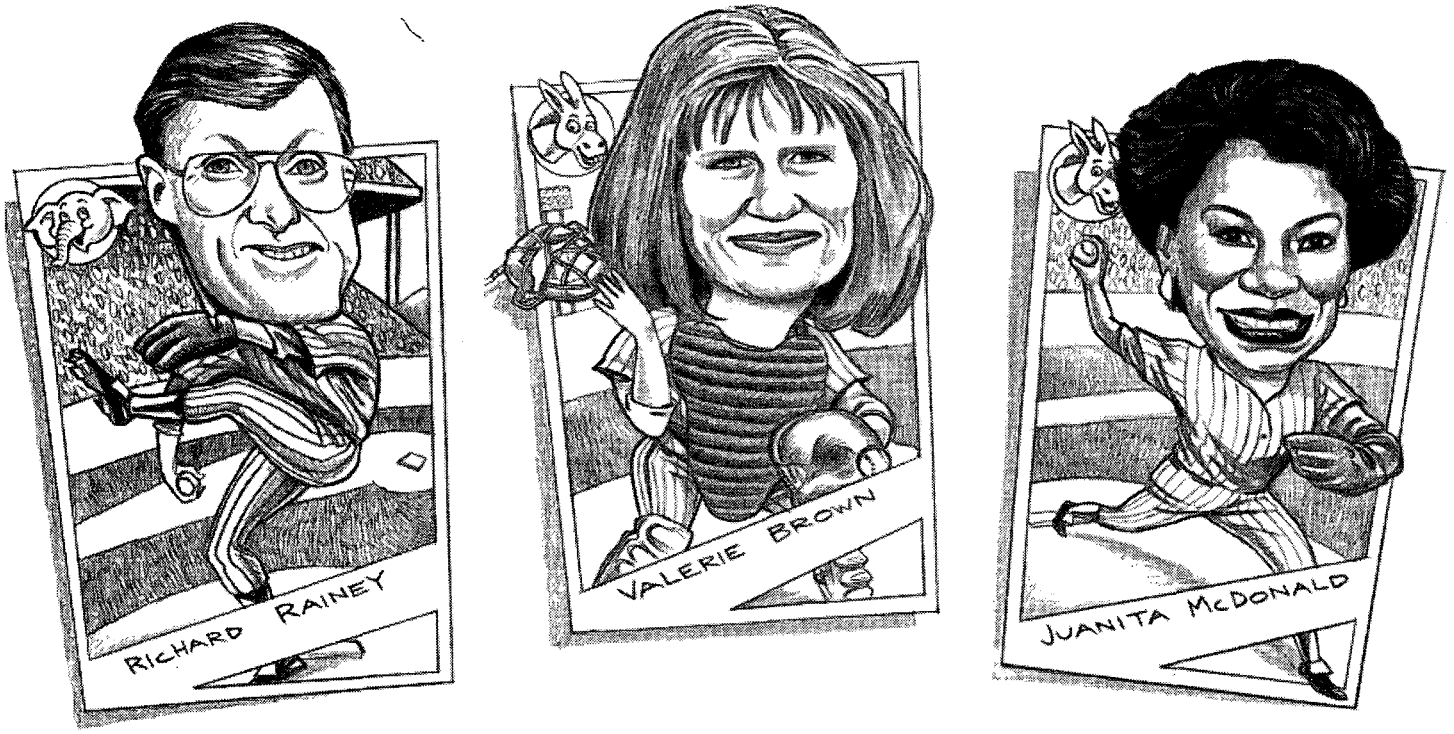

plays close to the chest; will listen and is attentive, but not very forthcoming with his own views and can be uncompromising once his mind is made up ... more moderate than most Los Angeles Latinos ... seen as a comer who will continue on far past the Assembly ... chairman of Assembly Banking and Finance Committee.

"Caldera is a total wild card in the Democratic caucus, especially among the Latinos. He doesn't vote like an LA Latino; more like a downtown businessman."

"This guy is near the top of the class. If he has any downside at all, it's that he seems to get bored."

Martha Escutia (D-80)

Allied with the Polanco-Torres-Alatorre faction in Los Angeles politics ... won a sharply contested 1992 primary over another Latina backed by Los Angeles County Supervisor Gloria Molina ... an attorney, this is her first experience in elective office although worked for a time as a lobbyist for United Way in Washington, D.C. ... tied for 11th among frosh and 47th overall in *CJ's* legislative survey ... sharp and quick to understand issues but very intense and can come off as shrill ... hard working to the point where she may be frazzled by the pace and sapped by the wars she's had to fight ... seen as becoming an important voice on issues involving health and transportation, but may need to broaden her horizons ... first rookie to be given a key job on Ways and Means as chairwoman of the newly created Subcommittee 5, dealing with transporation ... also vice-chair of Transportation Committee ... not as collegial as others in her class, but is tough and determined ... is known to listen intently to debates and can be persuaded to change her mind ... elected by peers as chairwoman of the freshman class.

"She came here with very high expectations but hasn't necessarily lived up to them. She has good ideas, but hasn't yet figured out how to get things done. As a result, some of the luster has worn off."

"She has solid political instincts and is trying to figure out how to make her mark ... and to stir things up."

Juanita McDonald (D-55)

Former mayor of Carson ... defeated two incumbent assemblymen — Dick Floyd and Dave Elder — in '92 primary ... 16th among rookies and 53rd overall in *CJ's* legislative survey ... compared by some to Congresswoman Maxine Waters in terms of savvy, although without the fire and brimstone ... seen as bright, ambitious, tough and politically adroit ... big-hearted and loyal to allies and staff ... given the chair of Assembly Insurance when old Finance and Insurance Committee split earlier this year ... considered by some as "light" when it comes to substantive work and as a result is seen as having little philosophical base, but the potential is there to change ... accused of not being as well informed on bills as she should be, given her new responsibilities ... needs to become more adept at handling her committee, where she sometimes forgets the issue to argue about protocol.

"She seems to have polished her ways and grown into a statesmanlike personna. If she takes a substantive interest in insurance, she can become a powerhouse."

"You don't get to be chairman of a major committee like Insurance unless the speaker has confidence that you can take on some major responsibility."

Richard Rainey (R-15)

Served as sheriff of Contra Costa County for 14 years ... succeeded to the Assembly seat formerly held by Republican Bill Baker, now a member of Congress ... a moderate who is seen as a problem-solver ... 9th among freshmen and 38th overall in *CJ's* survey of legislators ... not considered as bright as Baker, especially in fiscal matters, but well liked and well respected as a straight shooter ... for obvious reasons, is strong on law-enforcement issues ... earned widespread praise this spring for his effort to fashion a compromise "three strikes" measure generally seen as more pragmatic and cost-effective than the one that passed the Legislature ... respects alternative views ... effectiveness comes from the fact that he is seen as an all-around good person ... hard worker who keeps the interests of his district as his first

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priority ... vice chair of Public Employees, Retirement and Social Security Committee.

"He understands the process, although I don't believe he really likes politics. At this stage, he's comparable to [Democratic state Senator Bob] Presley, when Presley first came to Sacramento — with one exception. He isn't as ambitious as Presley."

"One of the most decent people you'll ever meet, and that carries a lot of weight in this building."

UTILITY PLAYERS

Joe Baca (D-62)

Twice ran for Assembly against former Democratic Assemblyman Jerry Eaves, now a San Bernardino supervisor ... sponsored in those races by allies of Speaker Willie Brown Jr., who wanted to punish Eaves for participating in the "Gang of Five" revolt ... easily won the seat himself after Eaves moved on ... regarded as a pro-business Democrat ... finished 24th out of 28 freshmen and 67th overall in *CJ's* survey of the Legislature ... understands the blue-collar nature of his district and works it well ... is seen as an in-the-trenches Democrat ... works hard and is viewed as ambitious, but still makes procedural gaffes ... vice chair of Education Committee.

"Baca's no great intellect, but he understands politics. He had some bruising fights with Eaves, but he holds no grudges."

Cruz Bustamante (D-31)

Former chief of staff to Democratic Assemblyman Bruce Bronzan ... won special election in mid-1993 to replace his boss when Bronzan left the Legislature ... son of farmworkers and a former farmworker himself, which gives him a unique perspective on agricultural issues ... not included in *CJ's* legislative survey ... arrived with considerable legislative skills, thanks to his long tenure with Bronzan, but is not yet regarded as substantive ... comfortable walking tightrope between farm workers and agricultural businesses and tries to bridge natural gulf between two camps ... regarded as bright and gentlemanly, and with the potential to be a thoughtful problem-solver ... can be too intense, to the point where he appears aloof.

"He's the real sleeper among the freshmen. He has incredible potential, with a good grounding in rural issues and a solid district operation."

Tom Connolly (D-77)

Won in solid GOP district only because his Republican opponent was too far to the right ... an attorney, has admitted to a past personal life that was a shambles and that included a cocaine habit — since straightened out ... seems to want to do the right thing but tends to vote his re-election rather than his conscience ... finished 18th among freshmen and 56th overall in *CJ's* legislative survey ... regarded as bright, energetic and

LEGENDS IN THEIR OWN TIME

Vivien Bronshvag (D-6)

First elective office ... took the Marin County seat previously held by the late Republican Bill Filante, who left to run for Congress in '92 ... became a Capitol legend before the ink dried on her election certificate by her initial imperious attitude toward staff and her tendency to roar down the highway ... earned enough speeding tickets to have her driver's license temporarily suspended ... arrived in Sacramento without a clue how the Capitol works or what it takes to get along with colleagues, and as a result was written off as a not-very-bright elitist kook who lacked any social graces and who let the trappings of legislative prerogative sweep her away ... finished dead last — 28th — among freshmen and 76th overall in *CJ's* legislative survey ... reputation earned her the nicknames "Princess Vi" and "the duchess" ... has had that reputation re-evaluated in the second year because, upon closer examination, was seen as good-hearted and genuine ... also has done better legislatively by becoming more grounded in the real world and after investing the time to understand issues ... does her homework, reads bills and committee analyses ... still the subject of oddball stories, such as her allegedly mistaken belief that Willie Brown Jr. had hand-picked her to succeed him as speaker.

"Brilliance and gall aren't the only factors that lead to success and respect in this place; so is decency, and she is a decent person."

Diane Martinez (D-49)

Daughter of Congressman Marty Martinez ... served on Garvey School Board ... first ran for Assembly in 1990, losing to Xavier Becerra ... handily won '92 primary against three other opponents after Becerra moved on to Congress ... first rookie to chair a committee — Elections, Reapportionment and Constitutional Amendments ... scored poorly in *CJ's* survey of legislators: next-to-last among freshmen and 75th overall ... has poor personal skills ... viewed by members, lobbyists and staff as rude, combative, disrespectful and possessed of a hair-trigger temper ... has squabbled on a personal level in committee hearings with several Democratic colleagues ... tends to treat witnesses abrasively in committee, including one memorable Assembly Education thumping of then-Senate President pro Tempore David Roberti over his proposal to break up Los Angeles Unified School District ... tends to approach even routine questioning as a personal attack and appears to see something sinister in what others regard as common communication ... has moxie and cannot be underestimated because she has the instincts of a street fighter.

"She's the biggest tragedy in the class because she seems very bright and articulate, but her attitude is hostile toward colleagues and toward the system itself. She doesn't handle even the slightest informational question on her bills very well."

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extremely hard working, but at times can be a frenetic bundle of nerves ... at least one knowledgeable observer thinks he has the temperament to be speaker but questions whether he could ever put together the votes ... detractors consider him erratic and quirky ... damaged by a recent public squabble with members of his district staff which saw four of them quit and charge him with sexual harrassment.

"He's smart, but he tends to agonize over decisions. If he has a downside, it's that he wants to be here too badly ... and it tends to cloud his judgment."

Curt Pringle (R-68)

Formerly served in Assembly from 1988-90 ... earned the eternal enmity of Democrats and Latinos after he went along with a plan to hire uniformed guards to patrol polling places, which Hispanics claimed intimidated some of their voters ... the poll-guard tactic resulted in a lawsuit and hefty out-of-court settlement ... beaten in 1990 by Democrat Tom Umberg ... won open seat in '92 and seems more mature the second time around ... named assistant minority floor leader and is seen as potential successor to Minority Leader Jim Brulte ... hard-core conservative on nearly every issue ... considered bright ... ranked 12th among freshmen and 47th overall in *CJ's* legislative survey.

"There isn't a gap between how he presents himself and what he does, and...that's what allows people with differing views to feel comfortable working with him."

Bernie Richter (R-3)

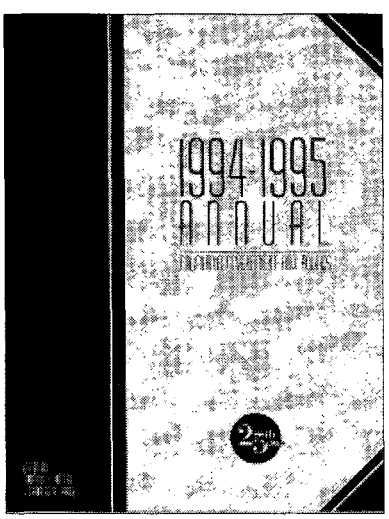
Video and liquor store owner who served one term as Butte County supervisor in the '70s ... arrived bearing reputation as "Crazy Bernie" as a result of local television commercials for his store ... reputation turned out to be only partially accurate ... scored well on *CJ's* legislative survey: 6th among freshmen and 28th overall ... independent and iconoclastic, he can be thoughtful about issues ... maverick streak makes him unpredictable and thus not entirely trusted by either caucus ... regarded as quirky but willing to approach issues with an open mind ... compared to Republican Assemblyman Trice Harvey, although without Harvey's political skills.

"I was surprised by him. We expected him to be a true horror, but he asks good questions and raises good issues. He's willing to buck his caucus, and damn the consequences."

Ted Weggeland (R-64)

Former aide to GOP Congressman Al McCandless ... mother Margi is chief of staff to GOP state Senator Dave Kelley ... won tough four-way '92 primary, then a squeaker of a general election ... spent $500,000 to get elected in 1992 but now seems to be home free ... expected to fit in with moderates in GOP caucus but edged to the right in first year ... has edged back toward the center in second year, often joining Democrats on votes in committee ... finished 10th among rookies and 41st overall in *CJ's* survey of legislators

Advertisement



New In June

California Government & Politics ANNUAL 1994-95

The 25th edition of *California Journal's* **California Government and Politics Annual—** the best selling book for college and university courses in state and local government—will be available in June. The Annual is also a valuable tool for individuals seeking an overview of the California system of government and current political issues.

The 1994-95 edition contains chapters on the three branches of government plus lobbying, parties and politics, direct democracy, local government and other issues. The 96 page, 8½ x 11" book is edited by Thomas R. Hoeber of the *California Journal* and Charles M. Price, a political science professor at Chico State University and author of several books on state and local government. The price: $7.95 plus 7.75% sales tax and $2.75 shipping & handling per order.

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The Roster of Rookies

(32 members)

AD	Name	P	MONEY**
3	Richter, Bernie	R	185,019
5	Alby, Barbara*	R	387,852
6	Bronshvag, Vivien	D	55,273
7	Brown, Valerie	D	98,836
10	Bowler, Larry	R	133,428
15	Rainey, Richard	R	110,730
25	Snyder, Margaret	D	76,991
27	McPherson, Bruce*	R	405,671
31	Bustamante, Cruz*	D	579,365
34	Honeycutt, Kathleen	R	97,899
36	Knight, Pete	R	59,484
37	Takasugi, Nao	R	140,324
43	Rogan, James*	R	N/A
44	Hoge, Bill	R	262,128
46	Caldera, Louis	D	66,249
49	Martinez, Diane	D	41,784
50	Escutia, Martha	D	75,197
53	Bowen, Debra	D	59,004
54	Karnette, Betty	D	61,238
55	McDonald, Juanita	D	135,744
57	Solis, Hilda	D	102,730
58	Napolitano, Grace	D	53,495
61	Aguiar, Fred	R	155,163
62	Baca, Joe	D	107,867
64	Weggeland, Ted	R	134,074
66	Haynes, Ray	R	160,965
68	Pringle, Curt#	R	145,744
73	Morrow, Bill	R	131,859
75	Goldsmith, Jan	R	74,127
77	Connolly, Tom	D	63,450
79	Ducheny, Denise*	D	N/A
80	Bornstein, Julie	D	72,573

** 1993 fund raising
* Elected after 1992 in special election
# Previously served (1988-90)

Democrats: 16
Republicans: 16

Men: 18
Women: 14

... youngest member of class and is well liked and considered fair, but currently not regarded as assertive enough ... could, over time, emerge as a lead problem-solver among Republicans because of his knack for getting along with adversaries, even on contentious issues.

"Weggeland is easy to talk to, but he is prone to make up his mind and then it's hard to get him to expand on those views."

PINCH HITTERS

Barbara Alby (R-5)

"She wants desperately to be liked, and that makes her less strident than the typical right-winger. She's not making any public mistakes."

Jan Goldsmith (R-75)

"He doesn't seem to have a clue, on anything. He just seems slightly off-tempo ... in terms of knowing how to work collegially. He's accessible and up front, but he just doesn't seem to fit in."

Bill Hoge (R-44)

"He has a good sense of humor and brings a strong business background to the house. Sure, he's very conservative, but he's also accessible and will tell you what's on his mind. He doesn't play games."

Betty Karnette (D-54)

"She is utterly without pretense. There's not much flash there, but she is conscientious and genuine and has good instincts as a human being."

Grace Napolitano (D-58)

"There is something troubling about her. She's well grounded in local government, but she's too much like the small-town mayor — blowing with the wind. She's a good politician, though, and she understands relationships and works them."

Margaret Snyder (D-54)

"A dependable team player, a good soldier who can get a job done for you. She's also a solid human being — a real person — with good basic values."

Hilda Solis (D-57)

"She's steady, bright, hard working and dependable. She has a quiet style, which means people tend to underestimate her. But she doesn't whine about problems, just goes about trying to solve them."

Nao Takasugi (R-37)

"He's the elder statesman, and is respected by both Republicans and Democrats. A true gentleman in every sense of the word."

BACK OF THE BENCH

Larry Bowler (R-10)

Can be self-deprecating at times, but the suspicion lingers that it is an act.

Ray Haynes (R-66)

Views the world from the far right, and in black and white. Running for the state Senate.

Kathleen Honeycutt (R-34)

Gained notoriety by using the term "Jew down" in a committee hearing. Leaving after one term.

Pete Knight (R-36)

Notable for distributing a racist poem about Latinos.

Bill Morrow (R-73)

Too ideological to be truly effective.

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Legislative staff

Coping with term limits and an unstable job market

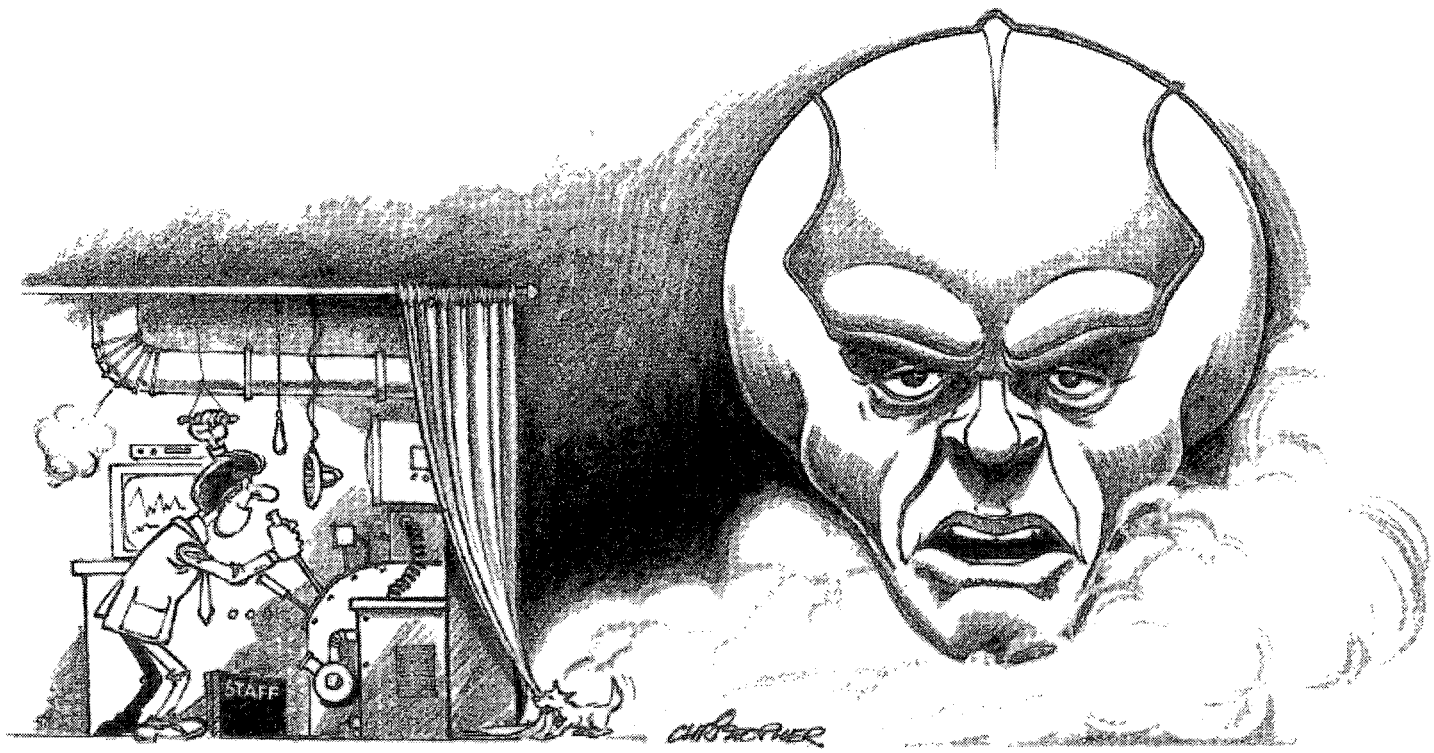

Illustration by Christopher

By Vic Pollard

The veteran legislative staffer's voice shook with nervousness, and he repeatedly declined to answer questions without a guarantee of anonymity. What made the interview unusual was that he wasn't being asked about his boss' politics or legislation, subjects on which aides have always been reluctant to be quoted by name. He was being asked about his own career prospects and those of hundreds of other staffers as the Legislature prepares to enter the era of term limits, with the inevitable staff turmoil that will accompany a rapid turnover of lawmakers.

Well, the staffer was asked, how about simply describing the morale among those who toil in offices where most of the employers will be in another line of work, or out of work, in little more than two years?

"I really don't want to be quoted on that," he said emphatically. "Who knows how that could be interpreted by someone?" You never know, he added, who might be reading your resume a year or two from now.

That kind of bunker mentality is common in the Capitol these days as staffers — policy wonks, political hacks and secretaries alike — contemplate their uncertain futures. "They're all lookin' for jobs," Assembly Speaker Willie Brown Jr. said sadly.

Just three years ago, the staff was stunned by massive layoffs forced by budget cuts under Proposition 140, the term-limits initiative approved by voters in 1990. Some 650 of the Legislature's 2500 staffers accepted "golden handshakes" and moved on to new lives.

Now, the survivors are waiting for the initiative's other shoe to drop: Its limits of three terms in the Assembly and two in the Senate will start forcing large numbers of lawmakers out of office at the end of 1996. By the end of 1998, no one will be left in office who was elected before the initiative passed.

Since nearly everyone who works in the Capitol is hired by a legislator for a personal or committee staff, that portends an unprecedented game of musical chairs among both professional and clerical staffers. And since newly elected lawmakers tend to hire at least some of their aides from their campaign staffs or other sources, the turnover — now about 15 percent a year according to an administrative officer — is expected to accelerate significantly. The difference this time around, however, is that the "golden handshakes" are gone.

The growing instability in the staff worries good-government types like Ruth Holton of Common Cause. "The

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term-limit proponents kept talking about getting rid of the political hacks," she said. "Well, the political hacks are going to be the last ones to go. It's those with expertise in policy areas who are going to go first."

But the main term-limit proponent — former Los Angeles County Supervisor Pete Schabarum — blames the Legislature itself for Holton's concerns.

"The way the Legislature handled the reduction in dollars available has been outrageous and irresponsible in terms of meeting staffing needs," said Schabarum, who hinted that the argument about loss of institutional memory associated with the departure of long time staff is phony. "The golden handshake was a joke. To offer anybody who wanted to leave a good-bye kiss in terms of substantial dollars is not any way to do it. They needed to select the people who were important to maintaining the integrity of the Legislature and get rid of the political hacks."

No one knows for sure what will happen to the Legislature — and its staff — when term limits are fully implemented and both houses are filled with members who are inexperienced by today's standards. But most observers agree that power, to some extent, will shift away from lawmakers to the people they must depend on for information.

"There will be an enormous shift of power to the staff because they're the only ones with the information, and information is power," says former Republican Senator William Campbell, who now heads the California Manufacturers Association. Many senior staffers say they hope that's what will happen, but they fear it won't. With staffers shifting positions more often and their average years of experience dropping, many worry that institutional memory and skill in crafting legislation will increasingly be the provinces of veteran lobbyists and the governor's office.

"When you're drafting a bill or analyzing a bill, you've got to know all the code sections involved so that you don't have conflicts," said another senior staffer who also declined to be identified. "And you've got to know the history of the issue, so you'll know what worked and what didn't work in the past."

While that's knowledge that can be picked up by time-consuming research, the staffer said that other legislative skills can only be learned in the school of hard knocks. For example, "You've got to know when to look out for the third amendment," he said. "Lobbyists will sometimes put in a bill that looks totally innocent, but what they really want to do won't show up until the third amendment."

Since the bloodletting of 1991, there has been a growing trickle of senior staffers to lobbying and public relations firms and other government jobs. "A lot of people over there are looking right now," said Mike Burns, who recently left Democratic Senator Charles Calderon's staff for a better-paying job with the Burson-Marsteller public-relations firm. "They've said to me and some of my colleagues [who also departed], 'Boy, you guys are lucky to get out now.'"

One rush occurred after the 1992 elections. An even bigger one may occur after this year's elections, in which no fewer than 10 members of the Assembly and five senators are running for non-legislative offices, spurred by the pressure of term limits. Total turnover with retirements and election defeats could be twice those numbers in each house.

The first group of staffers to feel the impact of term limits directly will be those who work for former Senate President pro Tempore David Roberti, who must leave the Legislature at the end of this year. Their experience will be watched closely by everyone in the Capitol Annex. Much of Roberti's large pro tem staff was absorbed by his successor, Bill Lockyer, or found jobs elsewhere. Currently working on his personal staff are 10 professional and clerical people, and the Judiciary Committee he chairs employs nine people, said Roberti's chief of staff, Maeley Tom. She will shortly become west coast vice president of Cassidy & Associates — a Washington-based public-affairs firm.

The future of some of the others depends on whether Roberti wins his race for state treasurer, and takes them with him. But others will have to find work with another lawmaker or outside the Capitol. Since most of them are Democrats, they are also anxiously watching the gubernatorial race, noted one staffer. A defeat for GOP incumbent Pete Wilson would open a whole new job market for Democratic staffers, who hold most of the top committee jobs in both houses — not to mention term-limited Democratic lawmakers.

And even if Roberti loses, Lockyer says he has assured the Roberti staffers that he will try to place them in other offices next year. "There will be no Saturday night massacre," he said. That may be a favor Lockyer can do for his predecessor as pro tem, but it's not a promise he can make to large numbers of other staffers who will find themselves without bosses.

Even before the 1991 budget cuts, job insecurity has been an increasing fact of life for legislative staffers in recent years. In the 1960s and '70s, the legislative staff developed originally by former Assembly Speaker Jesse Unruh was a highly regarded professional corps of policy experts.

"There was a very strong sense of professionalism back in those days," said Carl Brakensiek, who was hired by one of Unruh's successors, Bob Moretti, and is now a lobbyist. As late as 1980, then-Speaker Leo McCarthy would not allow new committee chairs to replace their committees' chief consultants.

But that stability began to break down with the more partisan legislative atmosphere of the 1980s. It is becoming increasingly common for new chairs to insist on their own committee staffs and for new legislators to put campaign workers on the legislative payroll. "This is not the place to work if you're looking for job security," said one consultant.

While old-timers may lament the passing of the good old times, it may be a non-issue with the next generation of legislative staffers. Twenty-three-year-old Margot Schmidt, who joined the office staff of Republican Assemblyman Dean Andal of Stockton two years ago and plans to leave later this year for graduate school, may be typical. She doesn't resent the fact that she had to make a fast, steep trip up the learning curve.

"I would assume that institutional memory is important," Schmidt said. "But a lot of that will be available to the new people. They can do the research. It might take them a little longer, but they can do it."

Tom, a veteran of more than 20 years as a legislative staffer, said Schmidt's outlook is becoming more common.

"The Legislature is no longer considered a long-term career occupation [for staffers]," she said. "It's more of a stepping-stone to other opportunities, much like the legislators themselves see it."

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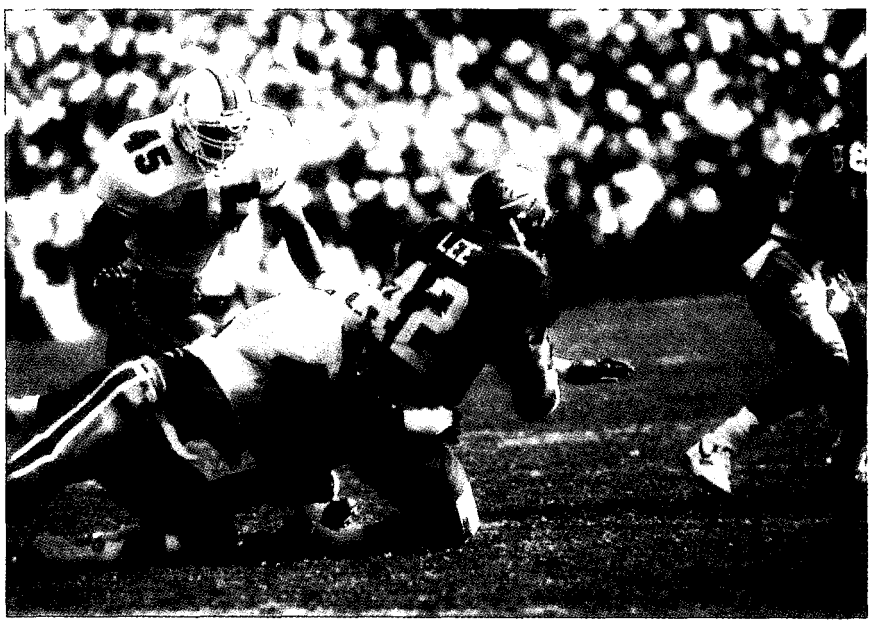
Turning Dreams into Realities



The "Hitachi Promise of Tomorrow" scholarship program encourages student athletes to take the lessons learned on the football field today and teach children in the classrooms tomorrow.

Encouraging Student Athletes to Become Teachers

During his three years as nose guard on Louisiana State University's football team, John Mawae came to know the thrill of victory and the agony of defeat. But nothing moved him more than working with disabled children in a Special Olympics held at LSU. "Seeing those kids realize their dreams against all odds really got to me," Mawae recalls. "I knew then what I wanted to do: help kids like them realize their dreams."

Mawae will get that chance, thanks in part to the "Hitachi Promise of Tomorrow" scholarship program created by the College Football Association (CFA) and sponsored by Hitachi, Ltd. Started last academic year, the program awards $335,000 in scholarships at the 67 CFA member universities. At each university, a $5,000 scholarship is awarded to an outstanding senior or graduate student who intends to become a teacher and has participated in the school's football program as a player, trainer, or manager. Mawae, a 1992 scholarship recipient, intends to use his grant to pursue a career teaching kids with special needs.

"Teaching plays an important but undervalued role in society," says Charles M. Neinas, the CFA's executive director. "We'd like to encourage more student athletes to pursue this field, because we think that what they learn on the football field helps to make them effective teachers in the classroom."

Nicole Hagner, a recent University of Pittsburgh graduate, agrees. "Athletics teaches you that it's possible to turn the right dream into a reality through hard work, discipline and teamwork. I'd like to bring that lesson to the classroom," she says. Hagner, who served as a student trainer on Pitt's football team, plans to use her grant to become certified as a high school biology teacher.

Nicole Hagner, University of Pittsburgh graduate and 1992 scholarship recipient.

As college football fans and parents of school-age children, we are proud to be a part of the "Hitachi Promise of Tomorrow" scholarship program. We hope that it helps more student athletes like John and Nicole to realize their dreams of becoming teachers.

For more information, write: Hitachi, P.O. Box 35146, Los Angeles, CA 90035.

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Dianne Feinstein

Coming of age as a U.S. senator

By Michael Doyle

Sealed with a kiss from the chairman, Dianne Feinstein's April triumph on the California desert bill marked her coming of age as a United States senator. It's hard to imagine Alan Cranston being smooched on the cheek by the wily chairman of the Senate Energy and Natural Resources Committee. But then, Cranston never got a desert protection bill through the Senate in six years of trying. Feinstein did it in one year by a tellingly large margin, and in the post-vote celebratory news conference her reward from Louisiana Democrat Bennett Johnston was a warm, wet one.

Welcome to the club, the kiss seemed to say.

"There's something about Dianne's presence that is reassuring, that is softening, that is persuasive," Johnston said.

And, pragmatic. The 60-some changes that Feinstein made to the Senate bill — not counting the little provision for a New Orleans Jazz National Historical Park included by Johnston himself — marked her as a willing and able deal-maker. She won over 16 Republicans on the desert bill vote, and garnered praise from others even as they voted against the measure.

In other ways, too, the 59-year-old former San Francisco mayor has established herself as a member of the club — and commanded a center-based position that will be hard for even the wealthiest challenger to dislodge.

Feinstein became the first Californian in a generation on the Senate Appropriations Committee, and helped move a $7.8 billion earthquake relief bill. She's won over former skeptics in California's agricultural community and become a steady performer on national talk shows. From showing up at Polly Klass' funeral, to staking an aggressive role in the immigration debate, she's hit her political stage marks; and, on more than just the desert bill, she's shown a behind-the-scenes negotiating ability that Senate pros appreciate.

Photos by Rich Pedroncelli

"Dianne is someone the Washington establishment has taken to right away," said Congressman Bob Matsui, a Sacramento Democrat. "She's a good fit with the U.S. Senate. She's not a boat-rocker. She's tough, but she does it in a way that's not personal."

Granted, she's had help. Without Democrat Barbara Boxer on her side, Feinstein would have had an incomparably harder time getting a 7.7-million-acre desert protection bill through the Senate. Cranston failed largely because he was paired with unsympathetic Republicans — Pete Wilson, then John Seymour — who employed the Senate's levers of procedure and tradition against the desert bill. The Senate's Democratic leadership likewise clearly appreciated the benefits in helping Feinstein win a major legislative victory in her re-election year (see Washington Perspective, page 46).

One former Senate staffer sniffed that Feinstein claimed her seat on the money-dealing Appropriations Committee because the panel chairman was "forced to take her" by the Senate leadership; and, in this election year, her negotiating leverage with the White House may be disproportionately large.

Continued on page 22

Michael Doyle is a Washington correspondent for McClatchy Newspapers.

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By Herbert A. Sample

Barbara Boxer

A gadfly who works the system well

It was as clear a justification for Barbara Boxer's presence in the United States Senate as she had ever made. Speaking in the Senate chambers this past April, Boxer was rebuking a male colleague who had suggested that efforts by her and six other women senators to punish the Navy's top admiral for the Tailhook affair would not have occurred two years ago.

"It is important to recall that in 1992, Senator Carol Moseley-Braun [D-Illinois] was not in the U.S. Senate. She came here in 1993 with me," said Boxer, who proceeded to name the Senate's other women members. "So I do not know what would have happened in 1992 ... But I will tell you one thing. It is 1994 and here we are, and we are making this an issue with good reason."

Boxer and her allies lost their battle to retire Admiral Frank Kelso with a lower pension as penance for the sexual assaults and rabble-rousing that took place at a convention of naval aviators in 1991. But it was the kind of fight, she told voters in 1992, that she would press in the male-dominated Senate.

Since taking office 18 months ago, Boxer has joined in other tussles involving sexual politics, most notably the effort to force U.S. Senator Bob Packwood of Oregon to hand over his diaries. But while those issues have earned the first-termer some publicity, she has delved into a wide range of other subjects and tallied a respectable record in the process.

She has waged an angry war on the Clinton administration over a proposed radioactive waste dump in the California desert while also acting as the president's leading supporter in the Senate for a nominee who was criticized by conservatives for her sexual orientation.

A determined liberal voice during 10 years of representing Marin County in the House of Representatives, Boxer's ideological zeal has remained constant on issues as diverse as the environment, gun control and ending restrictions on gays in the military. But her proposal to curb illegal immigration and her refusal to support a government-run health-care reform plan has angered some liberal allies who believe she has philosophically backtracked.

And while voters may have had gotten the impression from her campaign that she would be an outspoken, reform-minded gadfly ready to take on the Senate, Boxer instead has used her knowledge of Capitol Hill to work and mostly succeed within the existing system.

"For Boxer, who had gotten ahead in the House by pushing hard and being feisty, there was always a danger that that kind of style would backfire in the Senate," said Norman Ornstein, a congressional scholar at the American Enterprise Institute. Instead, he said, she had "used the strengths of the institution to build on her own strengths."

When Boxer campaigned for the Senate, she would frequently proclaim a need to "shake up" what she considered an old boy's club lacking in diverse perspectives — particularly those of women.

To illustrate for her audiences, she would describe how she and several other congresswomen were turned away from a 1991 meeting of key senators discussing the Clarence Thomas-Anita Hill controversy. She said a senator told her that "strangers" were forbidden from such meetings, which

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inspired the title of a book she co-wrote last year, "Strangers in the Senate."

But Boxer has not loudly pushed to change the Senate's often byzantine and dawdling ways. The state's economy has been uppermost on her mind, not internal reform, she explained in an interview. "I came here to fight for California, not to become an inside player to fix the Senate rules," she said.

One of her biggest fights have been on behalf of environmentalists against what's known as Ward Valley, a Mojave Desert site where hospitals, research facilities and nuclear power plants say their low-level radio activewaste can be safely buried. Boxer rebuts their claims, charging that radioactive material will leach into the area's groundwater and eventually into the Colorado River, the main source of drinking water for Southern California.

When Interior Secretary Bruce Babbitt late last year appeared ready to approve a limited environmental hearing on the proposal at the behest of Governor Pete Wilson, Boxer wrote Babbitt a stinging letter promising a fight: "If you accede to the governor's demands, as your staff seems to have done with regard to every single issue relating to this hearing, the impasse on Ward Valley will remain and the lack of consensus can only intensify." She also sent President Bill Clinton a note that subtly reminded him of his political interests in California.

The pressure worked. Babbitt soon opted to delay the required hearing for months until after the resolution of two lawsuits filed by dump opponents — who, not suprisingly, consider Boxer's efforts invaluable. "Having a U.S. senator go to the mat on this repeatedly ... has been extremely important in winning publicity for the issue," said Daniel Hirsch, head of the Committee to Bridge the Gap, the leading anti-dump group.

But Steve Romano, vice president of US Ecology, the firm that hopes to build and operate the site, accused her of blindly accepting the rhetoric of environmentalists. "Senator Boxer allowed herself to be drawn in by groups that were really furthering the agenda of nuclear opponents," he added.

Boxer contends she is guided by scientific evidence of potential health risks. "What's my responsibility? To back a company that is going to make $3 billion or to go with the scientists who have no axe to grind?" she asked.

The senator's environmental focus also has resulted in her pushing to include language in the pending clean water bill to restore 10 wetlands in California. And she has highlighted issues of special concern to women that her male colleagues might otherwise have ignored — such as domestic violence and breast-cancer research — as well as nonpartisan statewide topics, such as military base closures and earthquake disaster aid.

While business interests generally gave the cold shoulder to Boxer the candidate, some have had a change of heart about Boxer the senator. Some in the agriculture industry, for example, have been impressed by her support for giving water districts more time to renegotiate proposed federal water contracts. "While we don't necessarily see eye-to-eye with Mrs. Boxer in general, we do have a fairly decent working relationship with her and her staff and there is a dialogue with her," said Cherie Watte, director of national affairs at the California Farm Bureau.

In fact, Boxer at times has had more trouble with her allies than her enemies. Some longtime supporters remain upset by her successful effort last year to permit deployment of National Guard troops along the Mexican border to help curb illegal immigration. They said the Boxer they knew in the House and in the 1992 campaign would have shunned such a proposal.

"We did not expect her to out-conservative conservatives," said Claudia Martinez with the Mexican American Legal Defense and Educational Fund. "She's just one in a long line of legislators and representatives who have jumped on the immigrant-bashing bandwagon."

Ironically, immigration foes suspect Boxer's motives as well. "I think she believes in a world without borders, and it's only oppressive political realities that have caused her to bend as far as she has, and it ain't that far," said Dan Stein, head of the Federation for American Immigration Reform.

Some longtime supporters remain upset by her successful effort last year to permit deployment of National Guard troops along the Mexican border

One campaign pledge Boxer made and fulfilled was to take on Jesse Helms, the conservative GOP senator from North Carolina. She got her wish when Helms led the fight last year against Clinton's choice of San Francisco Supervisor Roberta Achtenberg to be a top aide at the Department of Housing and Urban Development.

Helms, whose criticism centered on the fact that Achtenberg is openly gay, called her "a militantly activist lesbian" and "a mean person." Boxer, her lead Senate sponsor, fired back: "The senator from North Carolina himself might be surprised at how many people think he is mean." Achtenberg was confirmed by a comfortable margin.

If Boxer has not exactly endeared herself to Helms, observers say she has to the Senate Democratic leadership — much the same group she insisted needed shaking up during her campaign. She has helped raise millions of dollars in campaign donations for Democratic Senate candidates, particularly women. And she opposes the line-item veto — unlike California's senior senator, Dianne Feinstein, whose support for the issue has rankled the powerful chairman of the Senate Appropriations Committee (see story, page 18).

When re-election time rolls around in 1998, Boxer likely will benefit from those chits and from a political base that may well expand beyond its traditional liberal core. Still, former House colleagues and Republican strategists note that while some Californians may be pleasantly surprised with Boxer, many others continue to perceive her as a "Jane Fonda-type liberal."

But she insists re-election is not on her mind right now — a statement that is borne out by campaign contribution reports that show only $15,000 in the bank as of last December.

California "is a huge state. It's a nation. And frankly, knowing the migration patterns, people who are there now may not even be there when I'm up again," she said. "You can't worry about it. You just do your best."

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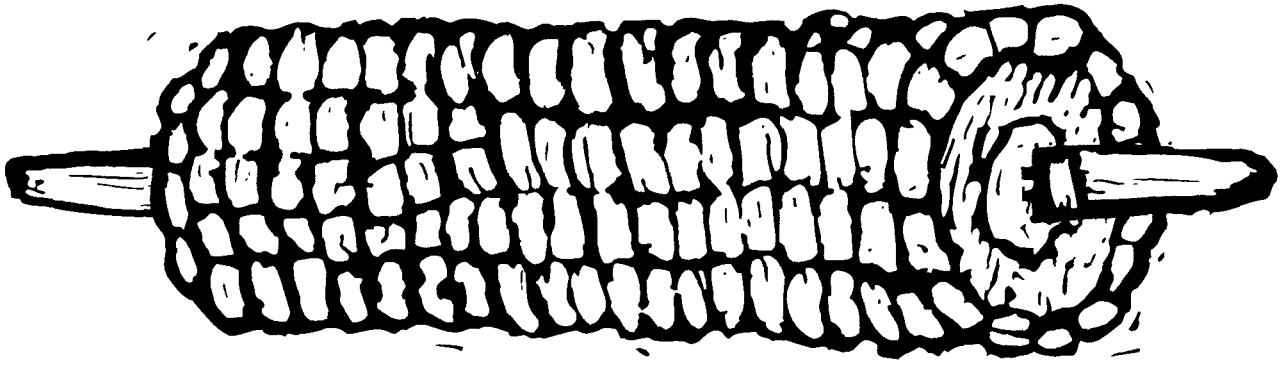

Most Americans take eating an ear of corn for granted. But it wasn't always so. In 1960, the average American over 65 had only seven natural teeth. Most seniors today have 18 of the teeth they were born with, a radical improvement in just 1-1/2 generations. And baby boomers can expect to have at least 24 teeth left when they reach 65. These statistics tell an important story about health care. Perhaps the only one with a happy ending.

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Feinstein

Continued from page 18

"She's got us by the short hairs," said a Clinton administration official.

Which doesn't mean that everyone loves her.

Senator Robert Byrd, the 76-year-old West Virginia Democrat who rules the Senate Appropriations Committee with a firm hand, doesn't like Feinstein's support for a balanced-budget constitutional amendment, among other things. He seemed to show his pique by ranking her lower in seniority than fellow Democratic freshman Patty Murray of Washington, who will thus be the first to get a juicy subcommittee chairmanship. Though Feinstein and Byrd have worked together on subsequent issues, like the earthquake relief bill, Byrd also was the only Senate Democrat to vote against her California desert bill.

Initially, Feinstein also seemed to have rocky relations with her staff. Some of that could be attributed to the crushing demands of being the senior senator from the biggest state: In a given week, her quarters in the Hart Senate Office Building will receive some 19,000 mass mailings, more than 5000 individual letters, and a phone call every minute of the workday. The skills needed to surf this tidal wave are not precisely those Feinstein developed as San Francisco's chief executive.

"When you're a mayor, you just say 'do it,'" Feinstein said. "As senator, you just don't have that same role."

Demanding, detail-oriented and, some say, at times harsh, Feinstein chewed up staff during her first year. At least 27 staffers quit her office in 1993, Secretary of the Senate records show. That's a lot, even within the constantly churning Capitol, and particularly in the early days it caused talk. The seemingly low-key Patty Murray, by contrast, lost four staffers during the same period.

"It creates a real bunker mentality and exhaustion," one former staffer said of the senator's management style. "You don't get people producing their best, and you also get people just giving up — and that hurts California."

"She micromanages; she has some staff members who are extremely knowledgeable but who are cowering," said a Clinton administration official who's negotiated with Feinstein's office.

Feinstein said she has "refined a lot of things" since taking office, and attributed some of the high turnover to "people who didn't know California and perhaps had different goals than I have."

There are, in fact, signs of greater calm since she hired Mike McGill, formerly head of the Bay Area Economic Forum, as her chief of staff. In the view of one congressional ally, Feinstein still must learn to delegate more, but even some of those who talk behind her back acknowledge she's a fast study who's been learning needed lessons. Besides, whatever the morale cost, results are ultimately what Feinstein will be judged by.

"She's quick on her feet," said Jim Seeley, a veteran lobbyist for the City of Los Angeles. "She's quick to make her wishes known, she really weighed in, and weighed in in a timely fashion."

"Quick study" is a term often applied to Feinstein by people from representing a wide diversity of interests she represents. Lockheed vice president Steve Chaudet termed her "a very fast learner." Western United Dairymen vice president Gary Conover said he was "very impressed with how quickly she's picked up the complexity" of dairy issues. Handgun Control legislative director Bob Walker said she "did a fantastic job in pulling together a [assault weapon ban] compromise that many thought would never occur."

Consider agriculture, California's $18 billion-a-year industry. In both 1990 and 1992, Feinstein was running against men who had mostly locked up the Central Valley's farm groups. As a former backer of the Big Green environmental initiative, she knew she had to win over a skeptical constituency, and she started doing so with her early decision to take a seat on the Senate agriculture appropriations subcommittee.

"That was very smart on her part," said Richard Douglas, vice president of Sun Diamond Growers. "The [panel] controls the purse strings of USDA, and USDA is very responsive to members of the committee."

Feinstein uses her position to support farm research spending, as well as more controversial ventures like wool and mohair subsidies and the Market Promotion Program. The program provides millions of dollars to advertise products by companies like Sun-Diamond, E&J Gallo Winery, Sunkist and others. All of this is duly noted by farm-related

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political action committees, which during the first three months of 1994 contributed $28,500 to her campaign — a 90-day total that exceeded her agricultural PAC total during the entire 1991-92 campaign season.

"She's shown a strong sympathy and support for California agriculture, and agriculture appreciates it," said Bill Quarles, vice president of Sunkist Growers.

Sometimes Feinstein has weighed in with letters as when she recently urged the Agriculture Department to hold off on implementing a four-year-old farm bill provision much hated by California's dairy industry. More direct was her involvement late last year in an on-going water contract dispute in the San Joaquin Valley. The Bureau of Reclamation was pressing aggressively for new environmental provisions in irrigation contracts; the water districts thought they were being unfairly pressured, and were voicing their complaints through congressmen like Sacramento Democrat Vic Fazio and Fresno Democrat Richard Lehman. Ultimately, recalled San Joaquin Valley farmer — and Republican — Jean Sagouspe, Feinstein telephoned Interior Secretary Bruce Babbitt from her San Francisco office and secured the negotiating concessions. A group effort, but Feinstein's voice came at just the right time.

"Putting together opportunity and timing" is one secret to Senate success, Feinstein said she's discovered. Sometimes that can mean tactical decisions made to great effect. During the desert bill debate, knowing she was on a roll, Feinstein opted not to offer a controversial amendment that would have reinstated 276,000 acres to wilderness protection, because that would have created an opportunity for GOP mischief. The tactical wisdom of this was suggested in the relatively short, relatively calm debate and the final 69-29 margin.

Demanding, detail-oriented and, some say, at times harsh, Feinstein chewed up staff during her first year

Feinstein likewise showed a good flair for timing in her assault-weapon ban amendment. Legislatively, she crafted a ban on 19 weapons that also specifically protected about 650 sportmen's guns, thus attracting elusive Senate votes. Rhetorically, she knew how to respond quickly when Idaho Republican Larry Craig advised her "to become a little more familiar with firearms," as she evidently was "typical of those who study the issue for the first time."

"I am quite familiar with firearms. I became mayor as a product of an assassination," Feinstein retorted. "They found my assassinated colleague, and you could put a finger through the bullet hole."

Point and set to Feinstein. The match will turn out later, when House and Senate negotiators decide on the proposed ban's fate.

And sometimes, Feinstein's recipe of "timing and opportunity" comes across as opportunistic to people who are otherwise her allies.

Last year, with Governor Wilson and Republicans marching off to war against illegal immigrants, Feinstein leaped to the front of the parade with strong rhetoric about the need for better control of U.S. borders. She couched her get-tough language with the suggestion that proper restrictions would prevent a backlash against legal immigration, but some Hispanic activists weren't convinced. When she introduced her wide-ranging immigration bill, the details caught activists by surprise.

"It's very clearly political," said Cecilia Munoz, senior immigration analyst with the National Council of La Raza. "She's got an election coming up, and she wants an opportunity to say that she's tough."

Feinstein subsequently met with unhappy Hispanic activists in her San Francisco office; and, according to Martha Junenez of the Mexican American Legal Defense and Educational Fund, "she heard what we had to say."

That kind of listening can help keep someone in the Senate. So can teamwork, the kind that Feinstein demonstrated with an ultimate pragmatist like Bennett Johnston. Likewise, and in their first year together, Feinstein and fellow Californian Barbara Boxer seemed to strike up an effective relationship. They voted the same way 91 percent of the time, had no public feuds, and seemed to naturally divide responsibilities to their mutual satisfaction.

"I'm trying," Feinstein said, "to be a team with Barbara."

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YEAR OF DECISION

Plethora of Smoking Issues Tests Tobacco Industry's Clout

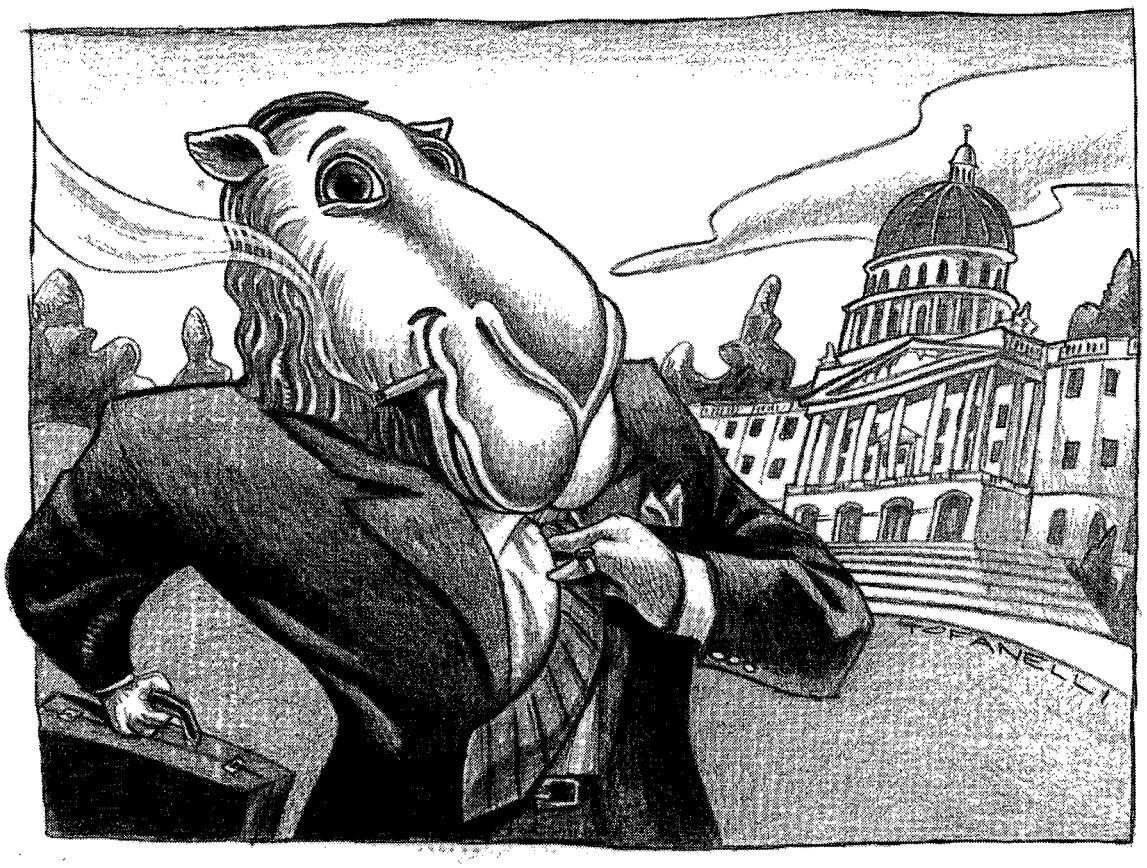

Illustration by Mike Tofanelli

By Steve Scott

Ever since the days of the first Surgeon General's report on the health risks of smoking, the tobacco industry has had a public-relations problem. After all, how easy can it be to promote a product about which the evidence of health risks mounts almost daily. Still, 1994 may well be remembered as the year which confirmed the industry's status as the best all-purpose villain since the "Commies" of the 1950s. From congressional hearings with straight-faced execs insisting smoking doesn't kill, to news reports alleging that companies spike the product with nicotine, few industries lend themselves better to suspicions about evil intent than the tobacco industry, with its phalanx of lobbyists and bottomless campaign fund.

Those within the industry generally wave off such demonizing as the work of "anti-tobacco zealots" and conspiracy theorists, but you don't have to be Oliver Stone to wonder what's going on with smoking in California this year. Not since 1988 and the battle over Proposition 99's 25-cent-a-pack cigarette tax increase has the debate over smoking been so broad and consuming.

"I think we're fighting the 'Battle of the Bulge' here," said Dr. Stanton Glantz, a University of California, San Francisco, cardiology professor who has become the state's resident anti-tobacco firebrand. "The tobacco companies are losing. They know they are losing, but they have more tanks than we have so they're attacking on a broad front."

Most of those "tanks" are aimed at the Legislature, where the industry has traditionally enjoyed great success in modify-

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ing or killing anti-smoking legislation. The industry, however, has opened a second major front by circulating an initiative which offers a Swiss cheese statewide standard for indoor smoking and wipes out any more stringent local ordinance. While the final battles loom ahead, most of the war's casualties so far have been the result of "friendly fire," as old coalitions have splintered in a rush of bad blood.

The smoking wars in Sacramento this year really began last year, with the troubled path of AB 13. Introduced as a blanket ban on all smoking in the workplace, the bill by Assemblyman Terry Friedman (D-Los Angeles) was gradually pockmarked with amendments carving out exemptions for certain types of businesses. It was initially voted down in the Assembly, but was rescued from oblivion by a surge of angry letters that Friedman says had some members literally begging him to bring the bill up again. The whittling continued in the Senate Judiciary Committee, as Friedman accepted more loophole amendments to satisfy bar and tavern owners, the state's restaurant association, and the state's hotel industry.

The *real* body blows, however, were delivered by two killer amendments. One, by state Senator Art Torres (D-Los Angeles), tore open a gaping exemption for small restaurant owners by letting them keep a quarter of their space aside for smokers. The other — the real knockout blow — was Senator Charles Calderon's (D-Whittier) motion to pre-empt all new local anti-smoking ordinances in favor of the watered down Friedman bill.

"It rapes the bill," said an angry Tony Najera, legislative advocate for the American Lung Association. "Once pre-emption is on the books, the tobacco industry will go back year after year to try to water down [the statewide standard]," adds American Cancer Society lobbyist Theresa Velo. "They'll still have pre-emption, but they'll remove lots of other stuff."

Although he'd insisted he would never accept a bill that pre-empted stronger local laws, Friedman did not immediately withdraw the bill. Instead, he launched into a snappish exchange of letters with Torres, who is a candidate for state insurance commissioner. Rebuffing Torres' offer to remove the offending amendments, Friedman accused Torres of being in the pocket of the tobacco industry for helping to see AB 13 "destroyed." The issue found its way into the insurance commissioner's race, as Friedman gave $25,000 to Torres' rival, Assemblyman Burt Margolin (D-Los Angeles). Friedman's broadside was the final straw for anti-smoking organizations, who withdrew not only their support for the bill, but also for Friedman's efforts to revive it. "AB 13 is no longer a public-health issue," says Najera. "It is strictly a political piece."

"Friedman is an unknowing accomplice [to the tobacco industry]," adds Julia Carol with the national anti-smoking group Americans for Non-Smokers Rights. "He has undermined tobacco control horribly in California." Friedman denies having destroyed the anti-tobacco coalition, saying his adversaries are simply "too immersed in the battle to want to win the war." He blames the "unseen hand" of the tobacco industry for the setbacks his bill has faced.

If old coalitions are being strained by AB 13, they could be snapped completely by the other major legislative fight this

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year — the re-authorization of the spending priorities for Proposition 99. The successful 1988 constitutional initiative hiking cigarette taxes by a quarter a pack mandated that 20 percent of the tobacco-tax proceeds go to anti-tobacco education programs. Those programs include the high-profile statewide media campaign, which studies suggest can be directly linked to declining smoking rates in California. Since 1991, however, more than $160 million of that has been diverted to pay for direct health services, notably for child and maternal health programs. The diversions have occurred under the knowing and watchful eye of both Governor Pete Wilson and the Legislature, who insist they don't violate the initiative because the health providers include an anti-smoking message as part of the exam. Voluntary health organizations, which went along with the transfers in years past, have dug their heels in against the maneuvers this year. "It's illegal," says the Cancer Society's Velo. "It's straight-out illegal diversion of funds."

"If current trends continue," says Glantz, "the most successful public health intervention since sewers is going to be destroyed."

In making a stand against the shifting of money from education to direct health care, the voluntary health organizations have taken on another powerful interest group — the California Medical Association. CMA was a co-sponsor of Proposition 99, which already allocated half of the tax proceeds to indigent health services. Since its passage, the CMA has been the main legislative advocate for the re-direction of education money to health services. "To the extent you can focus those dollars on high-risk patients, that should be the focus," says CMA legislative director Steve Thompson. Critics of the diversion have blasted the physicians for putting their own fiscal interests ahead of the broader goal of reducing smoking. Some have even suggested the CMA is fronting for the tobacco industry in its push to reduce the education budget. "Why is the CMA spending all of its time bashing a health education account?" says Velo. "They must be acting on behalf of somebody else. They must be acting on behalf of the tobacco industry."

CMA's Thompson bristles at the suggestion that the doctors are in league with the cigarette manufacturers. "[Child health care] was not objected to initially, when there was more funding," he says. "Now, all of a sudden, it's a sinful activity done in concert with the tobacco lobby."

Assemblyman Phil Isenberg (D-Sacramento), who chairs the conference committee writing the re-authorization bill, says the battle is less about tobacco education than it is about turf-guarding. "Everybody wants their own demands met first, and the politicians to take the consequences," says Isenberg. "If we reach that point where it looks like nobody will get any money, maybe then there'll be some serious discussions."

In the meantime, Americans for Non-Smokers Rights has sued the state to reclaim the money diverted from tobacco education, and the voluntary health groups say they will make protecting the funds their top priority in the budget battle.

Hanging over all this legislative activity is the Philip Morris initiative, whose sponsors insist their goal is simply to eliminate "the patchwork of local ordinances" around the

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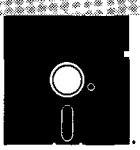

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state. More than 600,000 signatures were submitted last month for the statutory initiative, which sets up a far less stringent indoor smoking standard than even the watered-down Friedman bill. Smoking sections would be allowed in all restaurants, a host of specific businesses would be entirely exempt, and a two-thirds vote of the Legislature would be required to amend tobacco regulations.

This would arguably be the most stringent statewide initiative in the country," says Lee Stitzenberger, spokesman for the coalition supporting the initiative. "Those who look at this are impressed with the level of restrictions it provides, yet it allows business to function."While Stitzenberger insists the effort is legit, anti-tobacco forces see the initiative primarily as a diversionary tactic. Some see its aim as diverting attention away from the Proposition 99 process, while others see it as a tactical move to facilitate further weakening of AB 13. Whatever the motive, however, the initiative has brought out a unity not seen among anti-tobacco forces this year, and most are confident they can beat it. "I think we've done a heck of a job educating the public in the last four years," says Carolyn Martin, chair of the state's Tobacco Education Oversight Committee. "[The industry's] credibility is about as low as the Flat Earth Society."

As if all this activity weren't enough, yet another smoking-related controversy looms over the summer months. A new federal mandate kicks in this year which requires that all states institute a licensing and enforcement program for tobacco retailers, with the goal of reducing youth smoking. The mandate requires that states prove an 80 percent reduction in sales of cigarettes to minors by 1997, or risk losing millions in federal substance abuse funds.

"The industry is really dying over this one," says the Lung Association's Najera. "You're talking about the future smokers for the industry." Four different bills have been introduced to meet the mandate, but the final version still awaits drafting of specific regulations by the federal Department of Health and Human Services.

What makes all this activity so significant is the sheer size and importance of California. The passage of Proposition 99 triggered a national movement toward tougher local anti-smoking ordinances, and a virtual carbon-copy of the initiative was approved in Massachusetts in 1992. Still, passing smoking restrictions in the Legislature remains a challenge, thanks to a well-oiled lobbying machine that has made Assembly Speaker Willie Brown Jr. the largest single recipient of tobacco money in the nation. Brown sneers when the subject is mentioned, insisting the contributions have no effect on his legislative actions, but industry contributions to California lawmakers have risen to more than $2 million dollars a year. Although it makes her lobbying job that much harder, the Cancer Society's Theresa Velo sees hope in the industry's furious legislative blitzkrieg.

"I think it's clear that people recognize the important contribution our tobacco control actions have made to reducing the prevalence of smoking," says Velo. "I think the tobacco industry has finally realized that we are getting the heads-up on tobacco control in this state," says Velo.

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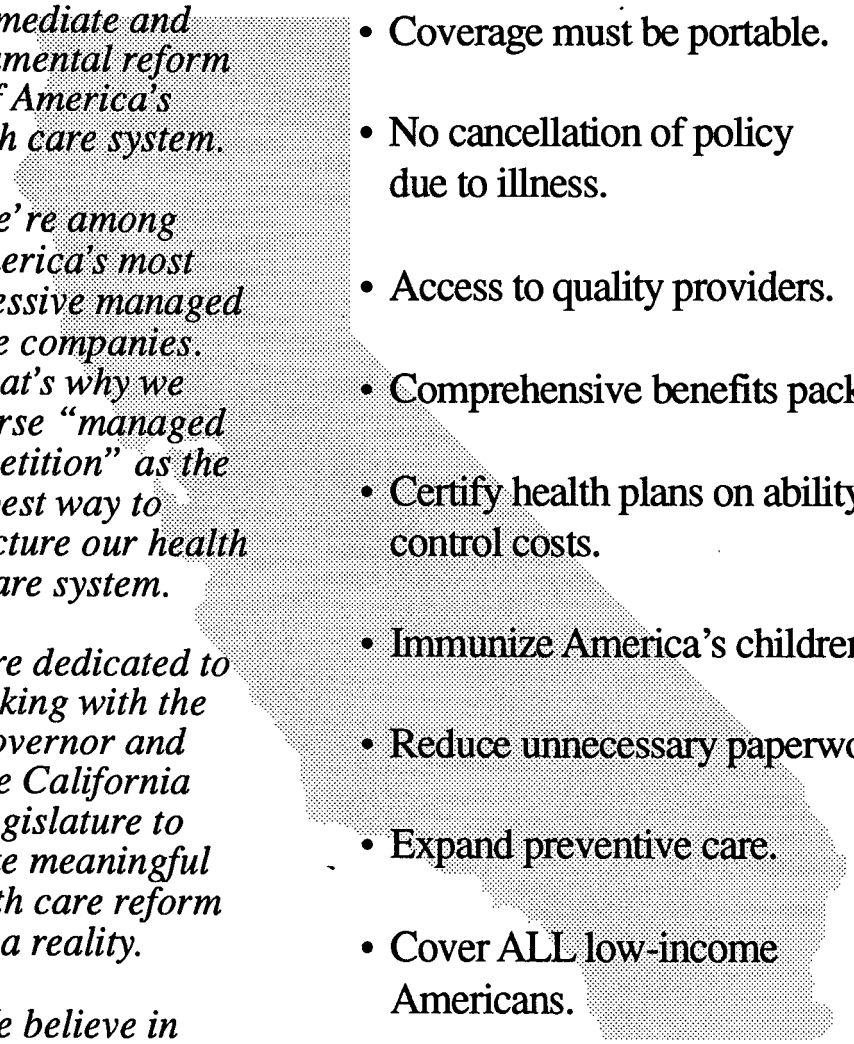

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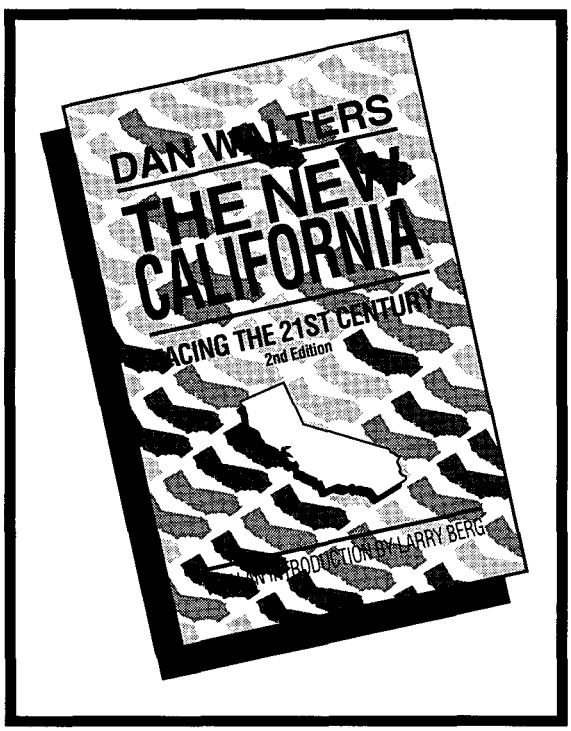

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The Bottom Line

GOVERNMENT FINANCE

By Susan Rasky

As goes California ...

How sweet it was — the economic fantasy so comforting through the darkest days of 1992 and 1993, the one where the country would not be able to drag itself out of the recession unless California also was recovering.

In the sobering light of 1994, no economist will own up to having made a prognostication that foolish. True, Californians have a powerful psychological need to believe they are special; and true, California accounts for a not insignificant 12 percent of the national economy. But even the state's most parochial politicians have been forced to acknowledge that the other 88 percent is doing just fine without the Golden State. So fine, that while California ekes out a slow and meager comeback, the Federal Reserve is busy pushing up short-term interest rates to prevent the national economy from overheating and gunning up inflation.

The issue is not so much whether the Fed has been overzealous in battling a non-threatening inflation rate, but rather, how much more the central bank will have to tighten credit to calm an inflation-spooked Wall Street. Who knows what madness possesses bond traders to bid up long-term interest rates when inflation is running at 2.6 percent? The betting among Fed watchers is for at least one more boost in short-term interest rates before the end of the summer – this year's "California problem."

If the national economy can recover without California, is the converse also true? Can California recover independently — or with any vigor — if the Fed's actions or its forced responses to the markets slow down the national growth engine?

It all depends, not just on which economist is doing the forecasting, but also on the context. Is it the short-term or long-term economic outlook, numerical recovery or the kind that actually makes people feel better? And does one assume that President Bill Clinton's new appointees to the Federal Reserve Board — Alan Blinder and Janet Yellen — adhere to their generally liberal, Keynesian instincts, or that they begin to adopt the more conservative outlook of their Fed colleagues?

In the short term — that is, between now and the November gubernatorial election — the best hope for making sense of the forecasts may be a look at the reasoning process behind them. It goes something like this:

1) The recession in California was so severe that a very strong national recovery is necessary to get the Golden State moving in any serious way. How strong? Maybe as much as a national growth rate of 5 to 6 percent for three quarters, according to Robert Arnold, senior economist and co-founder of the Palo Alto-based Center for the Continuing Study of the California Economy.

"The Fed will never allow it to go that fast," Arnold says, reflecting the consensus view that, justified or not, the Fed's primary focus in the coming months will be dampening inflation expectations. At best then, look for a middling California recovery, the kind that doesn't produce major job gains, political goodwill or sizeable increases in state revenue.

2) Most recoveries are driven by construction, particularly residential construction. While sales of existing homes in California have shown real strength in the past several months — running at annual rate of about 500,000 units — permits for new construction remain weak. Some economists see anecdotal evidence of a pickup in permits, but large and sustained increases depend a good deal on what happens to interest rates.

David Hensley, vice president for real-estate research at Solomon Brothers, says that if Fed action on short-term interest rates pushes rates on 30-year Treasury bonds to 7.5 percent, then mortgage rates would likely rise to 8.5 percent, still low enough to keep the California housing market going. If mortgage rates go beyond 9 percent, he says, things could get dicey.

3) The severity of the recession, combined with the knowledge that the state's loss of federal defense dollars is not going to be reversed, has been a major blow to consumer confidence. Stephen Levy, director of CCSCE, says that the blow was big enough to alter the normal relationship between Californians' personal income and the amount they spend on goods and services.

While economic downturns always make consumers more reluctant to spend, the change in California was particularly dramatic and considerably greater than in the nation as a whole, according to Levy's estimates. As a result, he says, recovery in the state also will depend on restoring that income-to-spending ratio to its normal level. That in turn depends on consumers' belief that the recovery is real and that the future once again is promising.

Hensley says that confidence in the future also requires a halt in the deterioration of home prices, something that has yet to occur. Ultimately, he argues, stability of home prices could be a lot more important to California's recovery than the volume of home sales.

4) One of the most important indicators of recovery and a brighter future is a rise in the employment level. California's appears to have bottomed out in the fourth quarter and is rising, slowly. Maybe. Employment statistics for individual states are notoriously shaky because the samples upon which they are based are so small. The California jobless rate — the part of the employment equation that gets the most public attention — probably has a margin of error of a full percentage point in any given month. Even accounting for that, it is clear that unemployment in California is considerably higher than in the rest of the country. Despite an encouraging rise in the number of hours worked in construction and manufacturing industries, most economists predict little or no employment growth in the state this year.

All this does not paint a pretty picture, especially for legislators, who will spend the better part of this month battling over how to close a $5 billion gap in the state budget. Even the rosiest short-term forecasts don't promise enough new revenue to make a real difference, and neither deep spending cuts nor tax increases seem much of a possibility in an election year.

All of this suggests that the wink-and-nod method of bookkeeping the Legislature and governor have subscribed to this year is probably as reasonable a course as any other. It is worth noting that the national credit-rating agencies remain much more concerned about California's political instability and booby-trapped fiscal system than about the state's fundamental economic ability to meet debt obligations.

Pretending that Uncle Sam is going to come through with more than $3 billion California claims it is owed for services to illegal immigrants and other miscellaneous federal mandates would almost be defensible if the Legislature and governor also put in place a sane, multi-year plan for wiping out the deficits that have been rolled over during the recession years.

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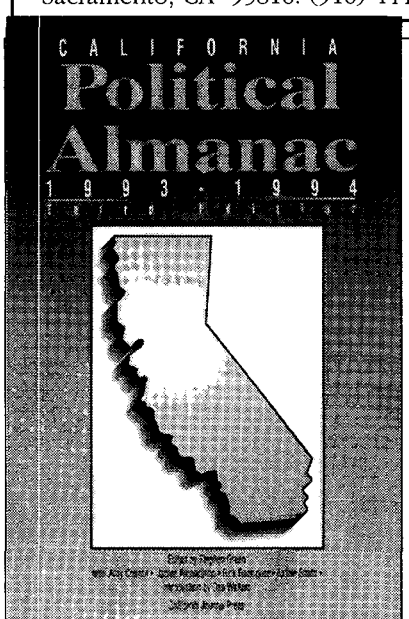

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A low-profile court

Since Rose Bird's departure, the California Supreme Court has been less controversial, and less visible

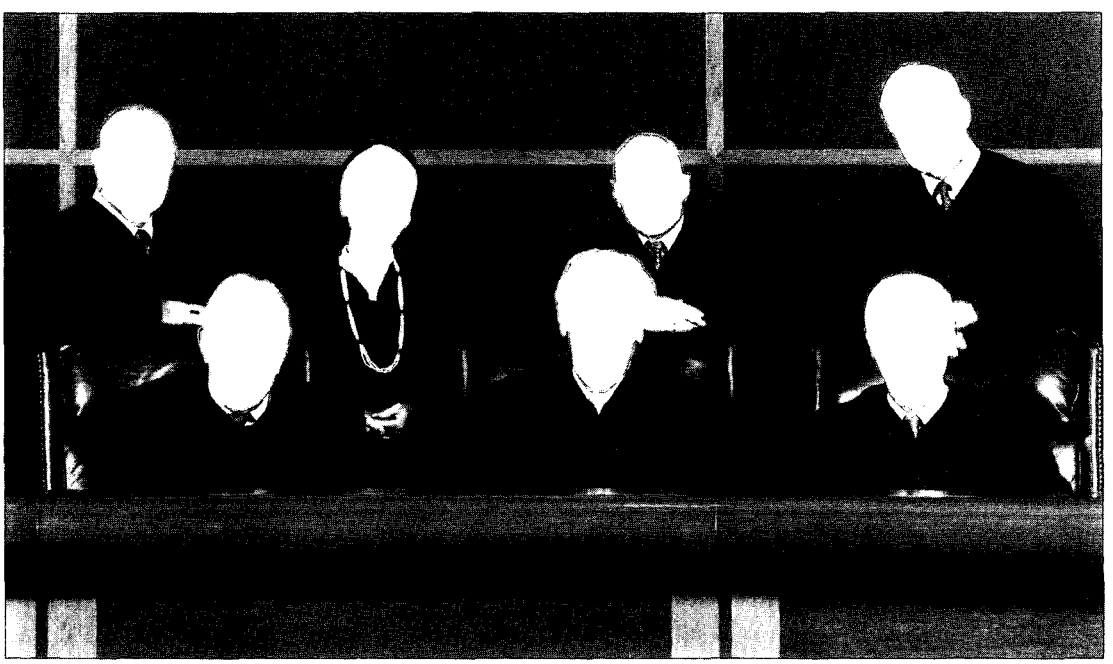
By Bob Egelko

People who have lost track of the state Supreme Court might not remember why California has no campaign funding limits for public financing of legislative elections this year. It isn't because of legislative or public opposition; in fact, 53 percent of the public voted for those changes in a 1988 initiative.

No, the reason is that the court extinguished that initiative in a 4-3 ruling last December, saying voters would have preferred the remnants of a rival measure that had already been gutted by federal courts.

Another question. Why aren't Proposition 103 rate rollbacks moving ahead, six years after that initiative passed and three years after Insurance Commissioner John Garamendi adopted regulations and ordered hearings?

Responsibility might be assigned to the state bureaucracy, the insurance industry or flaws in Proposition 103 itself. But the most immediate reason is that the court agreed a year ago to review the legality of the regulations, but hasn't scheduled a hearing or allowed Garamendi to implement rollbacks in the meantime.



Finally, why aren't new jails and courthouses being built in San Diego County with the money from a sales tax increase that was approved by a majority of the voters, under a financing system that the court seemed to have endorsed in 1982?

The reason is that a new court majority took another look in 1991 at the two-thirds vote required by Proposition 13 in 1978 for "special taxes," interpreted the requirement more broadly and struck down the San Diego measure.

Good or bad, these decisions, and the court that issued them, deserve more attention than they're getting.

Largely by upholding death sentences, the court headed by Chief Justice Malcolm Lucas for the last several years has managed to avoid the prominence and controversy that surrounded the Rose Bird court in the years leading up to the 1986 elections, when Bird and two colleagues were voted out of office. A return to a lower profile was probably healthy for the court and certainly welcomed by the justices. But the Lucas court is an important force in the state, and it's hard to understand its near-invisibility.

For example, although Justice Edward Panelli retired January 31, more than four months after announcing his plans, Governor Pete Wilson left the vacancy unfilled for months, with no criticism from his rivals. The seventh seat at monthly oral arguments was occupied by a succession of appellate justices, including some Democrats. Finally last month Wilson nominated Kathryn Mickle Werdegar, a justice on the 1st District Court of Appeal in San Francisco and former Wilson classmate at UC Berkeley's Boalt Hall, to fill out the remaining eight years of Panelli's term.

Bob Egelko covers the state Supreme Court for the Associated Press.

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In a year of obsession with crime and punishment, the court wasn't even mentioned during the primary elections for governor. The only candidates who seemed interested were two Democratic hopefuls for insurance commissioners, state Senator Art Torres and Assemblyman Burt Margolin; they joined some consumer groups this March in an unsuccessful request to the Deukmejian-appointed majority on the court to withdraw from an insurance case in which the former governor represented an insurance company.

The last time many legislators seem to have taken notice of the court was in 1991, when Lucas, in a ruling upholding a term-limits initiative, belittled the effect of a 38 percent cut in the Legislature's operating budget. Legislative committees rushed to propose a 38 percent reduction in the court's own budget before cooler heads prevailed.

The court's funding could suffer if the governorship were won by a Democrat, who presumably would feel less affinity for the 6-1 majority of Republican appointees. But there isn't much a new governor could do about the current majority, which, barring personal tragedies or a major scandal, should be with us into the next century.

The three 1987 Deukmejian appointees who swung the court to the right — Justices John Arguelles, Marcus Kaufman and David Eagleson — all retired in less than four years, after becoming eligible for maximum retirement benefits. Their successors — Joyce Kennard, Armand Arabian and Marvin Baxter — are younger and have many years to go on the pension ladder, as does Wilson's first appointee, Ronald George, who succeeded the retiring Justice Allen Broussard in 1991.

Justice Stanley Mosk, at 81 a 30-year veteran and the only Democrat on the court, floated enough retirement rumors before the 1986 election to keep his potential opposition off balance, avoided the purge of his fellow liberals and has shown few signs of slowing down. He is the leading dissenter on the court, slightly ahead of Kennard, who established herself as the least predictable justice soon after her appointment in 1989.

As for Lucas, the 67-year-old chief justice remains the leader of the court's controlling bloc, though he no longer writes the most opinions, as he did for several years after his elevation by ex-law partner Deukmejian in 1987. He has a few years left before maximum pension eligibility, shows no obvious ill effects from a 1987 colon cancer operation, and hasn't dropped a hint about leaving.

Lucas also seems to have withstood the embarrassment of a *San Francisco Chronicle* account last November of his frequent out-of-state travels. The article disclosed that a Lloyds of London subsidiary, which had cases before Lucas' court, paid for two of his trips to overseas conferences, raising concerns about judicial ethics. Saying the trips were part of his job, Lucas asked for an investigation by the Commission on Judicial Performance, whose nine members include five judges appointed by the Supreme Court. The commission cleared him two months later, saying the unique nature of the chief justice's job should have dispelled any suggestion of illicit influence or appearance on impropriety.

Probably the harshest public evaluation of the court was another *Chronicle* article in November, concluding that the court had sunk into mediocrity since its trailblazing years of the 1950s to mid-'70s, based on interviews with scholars and assorted legal observers. Assessments like those are beyond the scope of the present article or the capability of its author, who wishes to observe only that objective standards are elusive, and it's probably more useful to examine the justices and their work in their own time.

The current court can be divided roughly into two phases. In the first three or four years, the court defined itself largely by deciding how far to go in discarding or narrowing the doctrines of the Bird court and its predecessors. Conservatives were firmly in control, but the presence of Mosk, Broussard, and later Kennard kept debate brisk and dissents relatively frequent.

Some of the biggest plums fell quickly. In 1987 the court, under the surprising authorship of Mosk, ruled that a death sentence could be imposed without proof of intent to kill, overturning the key decision in the Bird court's death-penalty reversals. The next year, majorities led by Lucas barred suits by third parties against insurance companies for mishandling or delaying claims — overruling a 1979 decision detested by insurers — and severely limited damages for wrongful firings.

As expected, the court also started giving generous readings to initiatives that the Bird court had interpreted more narrowly. The 1991 ruling in the San Diego County case, strengthening Proposition 13's clout against local taxes, was the culmination of a trend of several years. Prosecutors won longer sentences and broader rules on confessions under a 1982 crime initiative known as the Victims' Bill of Rights. The court's sympathetic view of initiatives may have saved consumer-sponsored Proposition 103 in 1989 when the justices decided to rewrite rather than discard its rollback of insurance rates.

In civil rights, where previous courts had expanded the reach of anti-discrimination laws, the Lucas court displayed its empathy for businesses and its distrust of regulatory agencies in a series of rulings by Panelli, starting in 1987, that trimmed the powers of the state Fair Employment and Housing Commission. In 1990 the court barred suits against businesses for discriminating against the poor but said it would allow other claims of arbitrary bias recognized by the Bird court. Lower courts have had trouble deciphering that ruling, and it's likely to be refined in a future case.

The first phase contained a few surprises — the rejection of a "sub-minimum" wage for workers receiving tips, the upholding of a one-house legislative veto of Deukmejian's nomination of Dan Lungren as state treasurer — and one outright stunner: Over the repeated dissents of Lucas and Panelli, the remaining appointees of anti-abortion Governor Deukmejian joined their colleagues in refusing to reconsider a Bird court ruling continuing state funding for Medi-Cal abortions.

Attempts to curtail the funding were later dropped by Wilson, but the abortion issue may soon be back before the court in the form of a never-enforced state law requiring parental consent or a judge's approval for an unmarried minor's abortion. The court finally addressed the underlying privacy issue this January in a ruling upholding drug testing of college athletes; Lucas' majority opinion, a masterpiece of ambiguity, contained much talk of core values and balancing tests, but few clues about the court's approach to abortion or other privacy disputes.

The court entered its second phase around 1991, when the majority was solidified by the appointment of George, a

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bright and ambitious former state death-penalty lawyer, to succeed Broussard — Jerry Brown's last remaining appointee. Its task of culling the casebooks for undesirable precedents largely complete, the court enjoyed a friendly legal landscape and political security, and could set its own agenda.

At times, this included bursts of activism usually associated with more liberal courts. After a legislative attempt to declare surrogate-motherhood contracts legal and regulate them was vetoed by Wilson, the court declared one type of surrogacy legal without regulation last year. Dismissing suggestions that a contract to bear another's child for pay exploited poor women, Panelli's opinion coolly observed that poverty often induces women to take bad jobs. Kennard, dissenting from the all-male majority, said the court was devaluing the role of the birth mother.

More often, the court has stayed true to its creed of judicial restraint, deferring to the decisions of legislators, voters and trial judges. But the court has encountered some unforeseen problems in the last few years, often as the consequences of its own earlier decisions.

First and foremost was the death penalty, the downfall of the Bird court and the top priority of the Lucas court. The repeal of the intent-to-kill requirement cleared the way for a dramatic turnaround of the affirmance rate — from 6 percent under Bird to more than 90 percent in the last four years, the highest in the nation. Critical of the previous court's second-guessing of trial judges, the new majority relied on the doctrine of "harmless error," regularly concluding that mistaken rulings could not have influenced the jury's death verdict. The concept was sometimes carried to great lengths, excusing a judge's improper refusal to let a murderer tell jurors why he deserved to live, and another judge's erroneous decision to allow evidence of a gruesome wine-bottle rape.

The court also tore into the case backlog, deciding capital appeals in a single year, 12 fewer than the Bird court had resolved in seven years. To promote efficiency and discourage repeated appeals, the court adopted time limits and other procedural restrictions, in a 1992 ruling modeled on a U. S. Supreme Court decision.

But the backlog refused to disappear, and instead changed shape: The number of Death Row inmates without lawyers rose above 100, and the average waiting period for a lawyer reached three years, as a combination of limited pay and bleak prospects discouraged experienced attorneys from accepting capital appeals. That meant cases were taking longer to reach the court, and potential new grounds for future appeals were being created. Meanwhile, the court's efforts to dismiss new claims on procedural grounds without a hearing were meeting a chilly reception when the cases arrived before federal judges, increasing the likelihood that death sentences would be reversed and cases returned to state courts for new trials.

The length and arduousness of capital cases also took time away from civil cases, held down the court's statistical output and may have spurred some justices toward retirement. A commission appointed by Lucas in 1987 had recommended shifting some of the death-penalty workload to state appeals courts, but Lucas never endorsed the idea and it's scarcely been mentioned since.

Another area that has proven more complicated than it first appeared is torts, the broad field of liability for physical, mental and financial injuries. Decisions of the early years seemed to yield some simple rules. Tort suits were not to be the primary instrument of public protection or social policy; thus, foot-dragging by insurers was to be deterred by regulators, not by private lawsuits, and crime was to be controlled by police and lawmakers, not by victims' damage suits against landowners for faulty security. Another maxim was that firm lines had to be drawn around liability, at the price of occasional harshness to individuals. So a mother who heard neighbors scream, and ran outside to see her child lying in the street, couldn't sue a hit-and-run driver for emotional distress because she didn't see the accident. And someone who saw a lover die in a car crash caused by a drunken driver couldn't sue unless the couple was married.

This approach has the advantage of clarity and doesn't have to sacrifice an understanding of human problems. One of the courts most acclaimed and influential rulings was a 1990 case balancing the rights of patients and the interests of medical researchers. A man sued doctors after an organ, removed during a life-saving operations, was tested and found to contain a cell pattern that was a potential source of new medical products. The court rejected the patient's claim of a violation of property rights, which could have entitled him to a share of the profits; but Panelli's majority opinion let him sue the doctor on more limited grounds, for failing to inform the patient of the research plans or obtain his consent. The ruling provided guidance to doctors and patients, left research unimpeded and discouraged the exploitation of unknowing patients.

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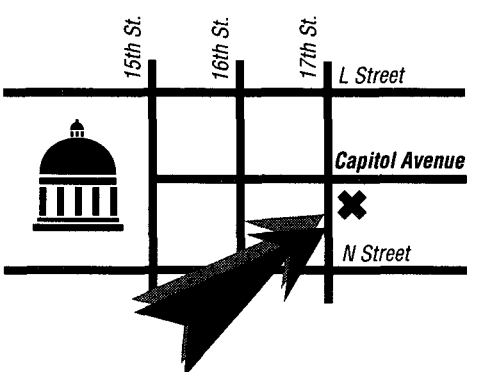

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court's tendency to create rigid categories, and its inclination to limit damage suits, have led it at times to try and pound square pegs into round holes. A glaring example involved assumption of risk, the doctrine that denies all damages to a person who engages in a dangerous activity and is injured by someone else's negligence. Most state courts have treated the concept as outdated since a 1975 state Supreme Court ruling that allowed damages when both parties were negligent, with the award reduced by the proportion of the victim's fault. But the Lucas court signaled in 1990 that it might revive the prohibition on damages, and granted review of about a dozen cases. Two years later, the court produced a fragmented and bewildering ruling.

In the case of a woman injured during a company football game, three justices, led by George, said sports participants had no duty to act carefully, and could be sued only for reckless or intentional harm. Three others, led by Kennard, said a suit should be allowed only if injuries resulted from activities that were more dangerous than the victim anticipated. The seventh justice, Mosk, said assumption of risk was outmoded, but agreed with George that no duty had been breached. Even the court couldn't figure out which of those standards to apply to the next case that raised the issue. The result, apparently, was that the approach of letting juries weigh the fault of each side had been discarded for dangerous activities, without any clearly defined policy to put in its place.

Further trouble lay ahead in a more significant case, involving suits for fear of disease caused by pollution. In the case of Salinas-area residents who learned their water wells had been contaminated with carcinogens, lower courts found their fears of cancer reasonable and awarded damages against the polluting company. But the Supreme Court, urged by businesses to prohibit all such suits and leery of "speculative fears," devised a new rule last December; In normal cases, damages would be awarded only if plaintiffs could prove they were more likely than not to become ill. But apparently unwilling to throw the Salinas residents out of court, the majority, led by Baxter, created an alternate test: They would have to prove only a significant risk of disease, because the polluter (according to the court) had disregarded a known risk of harm. The decision left the many interested parties on both sides neither satisfied nor enlightened. The new standards seemed arbitrary and the boundary lines murky. Underlying the decision may have been the court's unstated view that fears, like other emotions, are too intangible to be trusted as the basis of a lawsuit.

A similar approach outside the tort field resulted in perhaps the court's most awkward ruling in recent years — the December 1993 decision denying enforcement of Proposition 68, a 1988 campaign finance initiative.

Voters approved two political reform measures on the same ballot. Proposition 68, which included contribution limits as well as partial public finance for legislative candidates who limited their spending, got 53 percent of the vote. Proposition 73, which contained a different system of contribution limits and several other provisions, including a ban on public financing, got 58 percent. The state Constitution says the ballot measure with the most votes prevails, but an appeals court, following some earlier appellate rulings, decided to allow enforcement of the parts of Proposition 68 that didn't conflict with Proposition 73. The Supreme Court disagreed and announced a new rule in 1990: When two ballot measure contain competing regulatory schemes, the measure with fewer voters is entirely unenforceable.

However, federal courts were already in the process of dismantling Proposition 73, and soon rule that its core provision, the contribution limits, unconstitutionally favored incumbents. Proposition 68 had no such defect, so its sponsor, Common Cause, asked the state Supreme Court to revive the measure, since its rival had been effectively nullified. But the Supreme Court refused, and declared that Proposition 73 wasn't entirely dead; one previously obscure provision, broadening an existing ban on publicly financed mass political mailings, was unaffected by the federal rulings and was actually part of the essential purpose of the initiative, said the four-member majority. Lucas' opinion said voters would have passed that provision by itself, even if they'd known in advance that the rest of the measure was invalid. What was left of Proposition 73 was still a competing regulatory scheme, and there was no room for Proposition 68, the court said.

The result was cheered by legislators and major contributors, but was hard to square with the court's professed reverence for the people's will. Two initiatives, both approved by a majority of the voters, had added up to zero reform. The ruling didn't even end the case; Proposition 73's legislative authors were soon back before the justices, asking for a new ruling that would rewrite their measure and cure its legal flaws.

The last few years have shown some weaknesses in the Lucas court, but the court is not without its strengths. It retains the support of much of the bench and bar, quickly mobilized behind Lucas when his travels came under scrutiny. It is also accepted by most of the public, which handily approved the current justices when they've appeared on the ballot, and is likely to do so again this fall. Despite a decline in the number of rulings, due largely to the increase in death penalty cases, the court is as hard-working as any of its predecessors. Lucas takes his leadership role seriously and has appointed productive task forces on racial and gender bias, technology, and the future of the court system. Mosk has been one of the nation's highest-regarded state judges for many years; the lesser-known Kennard and George appear to be extremely capable jurists with much untapped potential.

But the court, like a medieval royal family, suffers from inbreeding. For 12 years, two governors with a common agenda have promoted a succession of mostly like-minded justices from the appellate courts, with similar backgrounds as business or government lawyers, while stocking the lower courts with ex-prosecutors. When the high court justices sit around the conference table, there are no former poverty lawyers, civil-rights lawyers, labor lawyers, public defenders or academics, and probably few who have ever represented or have ever been, a poor person. That's not a formula for healthy debate. When the court hits a dead end in its thinking, it needs new ideas and new perspectives to find a way out.

Oddly enough, a possible prototype for change is sitting in the governor's office. When Wilson was a U.S. senator recommending candidates for federal judgeships, his picks were fairly diverse, sexually, racially, professionally and even ideologically. His appointments as governor have fit a different mold, but whoever is elected this November could strengthen the court by following Senator Wilson's model.

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The selling of water

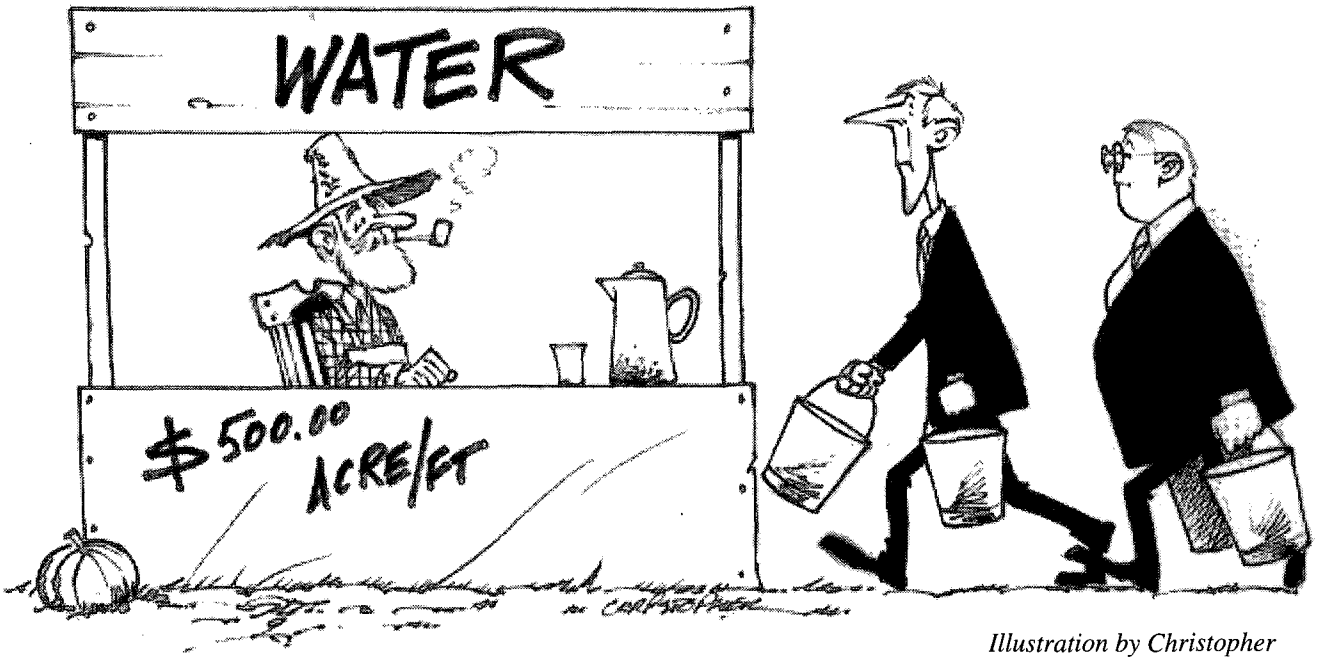

Illustration by Christopher

By J.A. Savage

By the time this story reaches you, the dairy farm owned by Assemblyman Rusty Areias (D-San Jose) and his two brothers, John and Jesse, should have signed the first water sales agreement allowed under the Central Valley Project Improvement Act. Areias Dairy Farms will get about $5 million from the Los Angeles' Metropolitan Water District in exchange for the ability to send the farm's allocation of federal water to the district in times of drought.

When California historians noted water is more precious than gold, they never envisioned this new era of water marketing would prove them right once again.

The Areias deal is a rural-to-urban trade that the October 1992 Act — also known as the Miller-Bradley bill — champions. Central Valley Project (CVP) farmers' water can now be sent from where it may not be necessary in the short term, to urban areas where it may be critical. The only problem is that taxpayers subsidize the CVP and now only CVP-supplied farmers can turn around and make a profit on their allocations.

Central Valleys farmers' water is subsidized by at least $300 million annually. The act's water-marketing provision is designed to lay a foundation for water transfers, and its sponsors are willing to let farmers reap the first layer of subsidies and negotiate a profit in order to facilitate the water market and reduce the call for new dams.

Brought down to a farm-by-farm level, Central Valley Project water receives subsidies between $25 and $100 per acre-foot. Most of the subsidies, according to Phil LeVeen, a former University of California, Berkeley, professor who researched the issue for the Natural Resources Defense Council, result from not paying interest on the original capital for the project for the last 40 years. That amount is reflected in the federal deficit.

Additional subsidies are in the form of 40-year fixed-price contracts signed in the 1950s that do not reflect the actual cost of delivering water. "Say, it actually costs $15 per acre-foot to deliver water but farmers pay $3.5 per acre foot," said Jim Bjornsen, chief of rate setting for the Bureau of Reclamation in Sacramento. Bjornsen noted, however, that those old contracts are expiring and that renegotiated contracts are required to recover all capital costs — but not foregone interest — by 2030.

The Areias brothers appear to be good businessmen. For them, the figures work out to about this: They take water that costs them between $8 and $40 an acre-foot and sell it to the Metropolitan Water District for 15 years at $175 per acre-foot. The district pays them one-half of the total up front. To the Areias' credit, the half of that money they are to get up front is supposed to be used for efficiency systems, according to Clyde King, the farm's general manager, so the 1520-acre farm two miles east of Santa Nella will use less water in the long run.

The Metropolitan Water District adroitly chose the Areias farm for its first contract. While the farm receives water through the Central Valley Project, its water allocations precede the project's construction and were grandfathered in. That designation allows both parties to maintain that Areias does not get subsidized water, although the farm gets

J.A. Savage is a business and environmental reporter.

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deliveries through the project. Tim Quinn, director of the state water project and conservation division for the Metropolitan Water District, said because of the grandfathered nature of Areias' water rights, the district will fight attempts by the federal government to require it to pay another $42 an acre-foot in subsidy "payback."

If the Metropolitan Water District pursues farmers with more clearly subsidized allotments, the district will not fight those additional payments, said Quinn. He added contracts with "subsidized" farmers would not result in payments as high as $175 an acre-foot. Ironically, any additional payment would be funneled into an environmental restoration fund and would not go to restoring taxpayers' actual subsidies.

Even with vastly reduced payments per acre-foot, Central Valley Project farmers would do rather well. LeVeen and Mike Hanemann, another UC professor, described it thus: If farmers sell an acre-foot to the Metropolitan Water District for $100, the irrigation district the farmer uses gets between $10 and $30 for its infrastructure. If the farmer pays top price for water, say $15, then that farmer clears, conservatively, $55 per acre-foot from water district ratepayers. On top of that, "The $15 dollars they're paying costs us $60" in other subsidies, according to LeVeen.

"I don't think that the vast majority of farmers can make more than $25 to $50 on farming from each acre-foot of water. If they sell more water, they should be better off," added LeVeen. "The implication of the program is to let them make more money than they ever did farming."

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The Metropolitan Water District's Quinn is one of the prime supporters of a water market. "The nice thing about markets, unlike dams and aqueducts, is that there are many formulas — like we can agree with farmers on the price and terms." Quinn presented his contracts as a method to help farmers get a solid financial base from which to operate in a recession.

Taxpayers get their money's worth through the economic ripple effects the subsidies cause in rural communities, maintains Jason Peltier, spokesman for the Central Valley Project Water Association. But a recent study by the RAND Corporation found "no detectable overall [economic] impact" in countries where a similar "drought water bank" pilot project was conducted by the State Water Project in 1991.

While water transfers might indeed lessen demands for new dams, it could beg another envionmental problem — overpumping ground water leading to withered ecosystems, much like what the Los Angles Department of Water and Power has done to the Owens Valley. Because, when farmers sell their CVP allotments, they can make up for it by installing wells.

Groundwater pumping is the "Achilles heel" of the CVP Improvement Act, said Hanemann. He noted that the "whole justification for the CVP was that groundwater levels were dropping sharply in the 1920s and 1930s."

The Environmental Defense Fund (EDF), largely responsible for the section of the CVP Improvement Act covering water marketing, also is concerned about overdrafts. "Groundwater is the last golden cow for farmers," said Chelsea Congdon, EDF resource analyst. "We tried to build in groundwater requirements in the act but there was political fallout from even having tried that. Agriculture is frustrated that other water dreams aren't coming true — no peripheral canal, for instance. They see everything closing down around them and the last out is groundwater pumping."

Another reason to pump groundwater is the higher cost of those renegotiated CVP contracts. It's more than likely that most farmers will see their commodity bills quadruple — from $4 per acre-foot to over $15 per-acre foot when the old fixed-price contract expire. For small farmers on the system — and there are a few — that could force them to start pumping. Larger farmers have more leeway to begin to pay more of their share of water shipments. And of course, any farmer could simply take economic advantage of taxpayers and the environment by both selling the allotment of Central Valley Projectwater and simultaneously pumping groundwater.

Water marketing has pitted two powerful environmental organizations against each other. EDF"s Congdon readily admits that the organization wrote off the issue of subsidies in order to get water marketing started in the state. "It's a reality of the political world. It's not profitable to farm in some places without subsidies," she said.

The Natural Resources Defense Council sees it as big agribusiness getting away with "windfall profits," according to Sami Yassa, NRDC research associate. NRDC applied considerable resources to detail CVP subsidies in the mid-1980s. It's estimated that the total taxpayer subsidy will eventually add up to a whopping $3.5 billion, and pressure from the organization was partially responsible for the renegotiated contracts. Only after the Central Valley Project is sufficiently financially reformed, notes NRDC, should water marketing with that infrastructure commence.

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Nightmare in Los Angeles

Spending is up, ridership is down — and no one agrees how to improve the city's struggling public transportation system

By Mark Katches

The basic premise of public transportation is to get commuters from Point A to Point B. The more transit options available, the more people ride. Build it, and they will come. But something is going terribly wrong in Los Angeles.

Despite spending $2.6 billion to open eight new rail lines since 1990, public-transit ridership in Los Angeles County has plummeted to a 10-year low, according to statistics kept by the county's Metropolitan Transportation Authority. About 1.24 million people board buses and trains on an average weekday, compared to 1.6 million in 1985.

So, what gives? The problem, critics say, lies in a rail-building frenzy at the expense of bus riders. About 100 million fewer people board mass transit a year, leading some officials to question the MTA's strategy for luring riders with sleek new rail systems.

"The objective of the MTA is to increase mobility and reduce congestion," says MTA board member Marvin Holen. "When you lose 100 million riders over x number of years, it is failing miserably. We better wipe the slate clean and start all over in our policy planning."

In Los Angeles, connecting commuters from Point A to Point B is almost never easy. The geography of the region means there is an alphabet's worth of dots to connect. A rail system can't do it alone, Holen says. And there are about 1000 fewer buses on the road in Los Angeles County than there were 10 years ago.

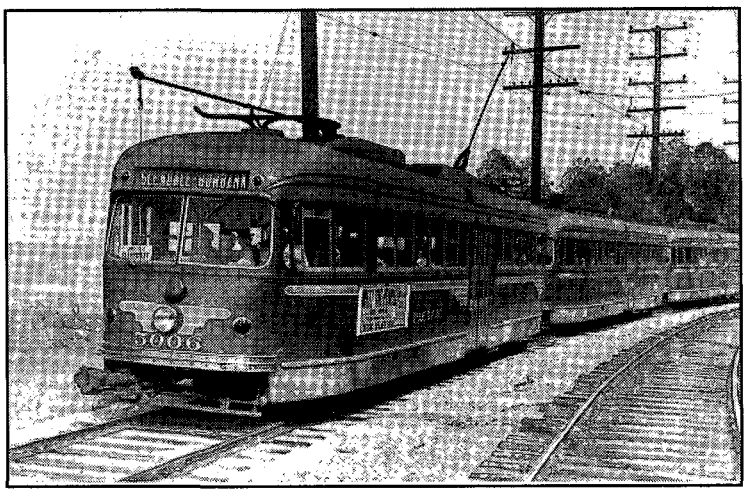
Bus advocates say the MTA's emphasis on costly rail projects that mostly serve middle-income suburbanites has come at the expense of a bus system that serves poorer, transit-dependent residents. About 75 percent of transit riders in Los Angeles don't own a car.

"We are actually building a rail system that is putting more people on the freeways," says John Walsh, a bus rider and frequent MTA critic. "Those people who stopped riding public transit weren't the transit dependent. They don't have any choice. The ones who left were the discretionary riders who found transit to be too expensive and too much hassle. They went back to their cars."

The MTA intended to pour a phenomenal $183 billion into mass transit through the year 2020. The money was to come from two half-cent sales tax increases ($136 billion) approved by county voters, and generous contributions from Washington, D.C., ($32 billion) and Sacramento ($15.1 billion). Of that sum, $100.5 billion had been dedicated to capital projects, with more than half earmarked for a rail building plan that calls for a 400-mile network of commuter rail, light rail and subway lines criss-crossing the county.

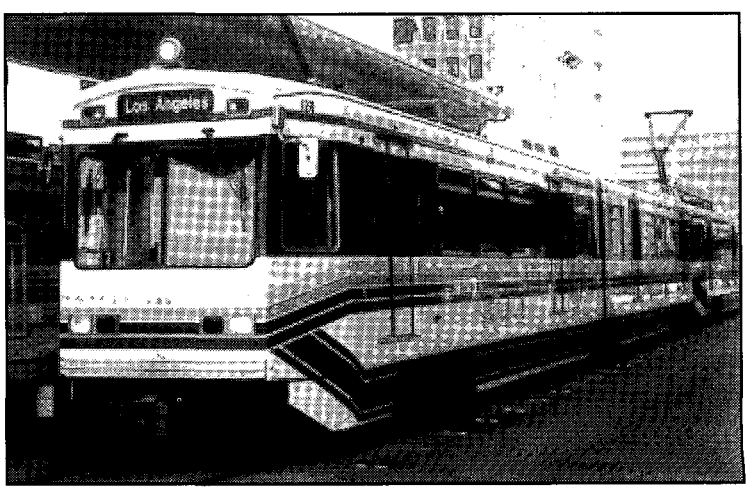
But there are signs the well is running dry. Last fall, MTA officials contended that the recession has forced them to downsize their spending forecasts by $20 billion. The agency has yet to come to grips with the shortfall's overall impact on the 30-year blueprint. That process will begin this summer, and it is expected to result in the elimination or delay of promised projects.

Still, MTA officials urge patience, saying the full effects of the MTA's transit plan may not be felt for 20 years when more



PCC cars near the LA River on their way to Glendale, 1940

Photos Courtesy of Bob Bylmer, Sacramento Regional Transit



L.A. Blue Line, Long Beach Terminal, 1991

Mark Katches covers City Hall for the Los Angeles Daily News.

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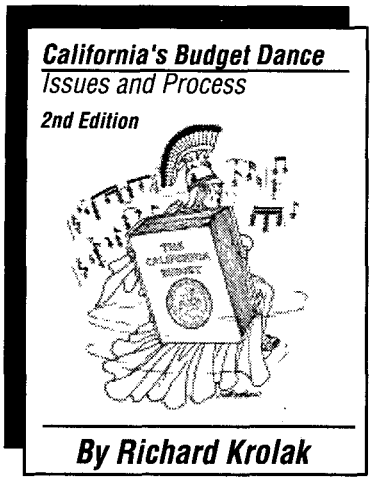

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rail lines are finished and opened.

"We don't have a rail system yet," said L.A. "Kim" Kimball, the MTA's chief deputy executive officer. "It doesn't go anywhere as far as where people need to go yet."

But with more than half of the MTA's planned rail network already on line, the trends aren't looking encouraging.

County transit officials opened the 22-mile Los Angeles-Long Beach Blue Line in 1990, 197 miles of Metrolink commuter rail in 1992 — which includes five rail lines extending into Orange, San Bernadino and Riverside counties — and the four-mile downtown leg of the Metro Rail subway in 1993. Since the January 17th Northridge earthquake, Metrolink service also has been extended with makeshift station platforms and gravel parking lots to the most isolated and fastest growing region of Los Angeles County — the Antelope Valley. The area, home to Edwards Air Force Base, is about 70 miles from downtown. The collapse of the Antelope Valley Freeway left residents landlocked. An initial ridership spurt brought the line serving this remote region to 23,000 passenger boardings a day.

Once the California Department of Transportation opened capable detours around the freeway, however, Metrolink ridership plunged to 8000 almost overnight.

The Metro Blue Line, the abbreviated Metro Red Line subway through downtown and Metrolink carry roughly 75,000 daily passengers. The buses are undeniably the workhorse, carrying about 1.17 million daily riders. But while rail systems have opened, bus service has been cut and subsidies reduced. The MTA subsidizes the county bus system to the tune of $1.17 per passenger, while rail lines such as Metrolink subsidizes passengers at a cost of $38 per boarding.

While the bus fleet dwindled from 3390 in 1984 to about 2300 today, the bus system lost about 430,000 daily passengers since, a loss far greater than the 75,000 riders added by the rail lines.

Bus advocates say diminishing ridership clearly coincides with two fare increases in 1985 and 1988 that took fares from 50 cents to $1.10, and the downsizing of the bus fleet.

"The answer is simple and it's basic," said urban planner Ryan Snyder, a Mayor Richard Riordan appointee to the city's Transportation Commission. "That year [1985] was when we stopped investing in the bus."

"We've been spending our money on all the wrong things," he added.

The MTA is now considering raising basic fares from $1.10 to $1.50, and dramatic service cutbacks, including the elimination of late night service and all weekend runs. The Los Angeles City Council voted in April to oppose any fare increases and even passed a motion to return fares to 1985 levels as a way to encourage ridership.

MTA chief executive Franklin White said if the fare increases and service cuts — made necessary by a $126 million operating shortfall anticipated next year — are adopted, transit ridership will erode even further. Snyder has been advocating a solution that calls for a massive dose of money for the buses — including dedicated bus lanes, a larger fleet and improved security — and less for rail.

Holen agrees, noting that despite the poor step-sister status of the buses, most are still overcrowded, while seats are easy to come by on the rail lines.

Snyder is doubtful that rail transportation will ever work in Los Angeles. The pace of freeway reconstruction after the Northridge quake stands as a symbol of the union between Los Angelenos and their automobiles. To dismiss it as simply a love affair would be an understatement.

"It's not a love affair," says University of Southern California professor Catherine Burke, who specializes in transit issues. "It's a forced marriage of convenience. How else are people going to get around?"

The region's growth was tailored to the single-passenger automobile. When the subway is finished in the year 2000, it will cost about $5 billion and extend only 23 miles from downtown to North Hollywood.

The county is too spread out to benefit from a system like that, Burke says.

So why waste the money on an expensive rail line, when a first-class bus system is cheaper? Why not, instead, invest in buses that make use of the county's unparalleled freeway and surface street network? Snyder asks. He notes that Los Angeles County also lacks a true downtown. Only 6 percent of the region's work force heads there Monday through Friday. But downtown Los Angeles is where all the rail lines converge.

In the agency's 30-year-plan, $55.6 billion is now set aside for an investment

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in rail building, while $14.5 billion has been allocated for clean-fuel buses and freeway bus stations.

By the year 2001, the plan calls for adding 800 buses to the fleet, but that still is less than the size of the fleet 10 years ago, statistics show. The rail lines on the drawing board have also been criticized for missing key points of interest.

There are no station stops at Dodger Stadium, the Rose Bowl, or the Hollywood Bowl — even though rail lines are planned near those areas. The subway actually will pass almost directly underneath the Hollywood Bowl, the scene of traffic jams at almost every performance. The Metro Green Line, which opens next year between Norwalk and El Segundo along the new Glenn Anderson Freeway, stops short of the Los Angeles Airport. That means to get there, riders will have to transfer. And riders hate transfers.

Late last year, the MTA considered relocating a planned subway station at Universal City to better serve Universal Studios and its new CityWalk attractions. But the decision was made to keep the station a half-mile away and encourage MCA, which owns Universal Studios, to build a people mover at its own expense connecting the station to its attractions.

"It's just incredibly dumb," says Larry Berg, a former member of the South Coast Air Quality Management Board. "To avoid places like Dodger Stadium and the Rose Bowl is the height of folly."

Stations near the Los Angeles Memorial Coliseum and the Great Western Forum, are also in doubt because of the funding shortfalls. MTA officials say they are missing the major venues because the agency is trying to build a commuter system. The sports and entertainment venues aren't in use enough to justify having a station.

"If you were to sit down and design the perfect transportation system, it would look nothing like the one we're building," says county Supervisor Gloria Molina.

But there are some signs indicating things are about to change. The rail hawks are now outnumbered by MTA members who favor increases to the bus system.

This summer the MTA board — which includes Riordan and the five members of the Board of Supervisors — will begin reassessing the agency's 30-year spending plan.

"I do think we have to step back and take a look at the big picture," Riordan said. "And not necessarily get stuck in the direction we're going."

MTA chief executive White, who inherited the plan when he took over the agency last year, believes it is too ambitious. He also believes the agency needs to be more sensitive to the ailing bus system — which he says always will be the primary mode of transit in the county. White believes the MTA board will decide to pour more money into improving buses at the expense of rail.

"I'd say buses are going to be a larger part of the next plan," White said. "Buses are what we are using now to move people. We're going to have to look at shoring up the bus system. My recommendation is if we have to slow construction of rail lines in order to maintain a quality bus system, we will do that."

Some critics believe public transportation will never work in Los Angeles — no matter what the MTA decides to do. "They might as well flush all that money into the Pacific Ocean," says USC's Burke.

Burke agrees that an expansion of the bus system is what is needed in the short-term. In the long-term, the agency needs to take a look at Personalized Rapid Transit — currently being considered in Chicago — which acts sort of like a futuristic taxi service in which riders punch in their destinations and a rail network takes them where they want to go.

"Rail is an 19th century technology," Burke says. "That isn't going to work in a 21st century city."

Other extreme viewpoints are espoused by John Pucher, a Rutgers University professor who issued a study last year encouraging higher parking fees and doubling gas taxes to discourage drivers. Pucher believes there is too much carrot and not enough stick used by transit agencies to attract riders. Mass transit can't compete with the low costs of driving, he says.

"It's the fault of the whole system of public policy that makes it so cheap to use the automobile," Pucher says. But he acknowledges that his solutions won't win many votes for politicians.

Holen, one of the harshest critics of the current spending plan, believes, however, that mass transit can find its place in Los Angeles. "Public transit can work as long as the allocation of resources is judicious," he says. "But not if you have to rob the backbone of the system."

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Washington PERSPECTIVE

By Larry Liebert

DiFi and the wilderness bill

"There is a long-standing tradition in the Senate and in our committee — very, very seldom breached — which is that if the two senators from a state are in favor of a bill relating to a national park, we almost always endorse that bill and go along with those two senators," Senate Energy and Natural Resources Committee Chairman J. Bennett Johnson, a Louisiana Democrat, told his colleagues as he urged passage of the California Desert Protection Act. "That is the case in this instance."

IT WAS A COGENT SUMMATION OF WHY FORMER Senator Alan Cranston had failed repeatedly in attempting to win passage of a measure to protect millions of acres of California's desert — and why his successor, Dianne Feinstein, had succeeded in her first year in office. Eight years after Cranston introduced the first in a series of desert bills that stalled because of opposition from his state's successive Republican senators — Pete Wilson and John Seymour — Feinstein and fellow Democratic Senator Barbara Boxer claimed a major legislative trophy: the Senate's 69-29 passage on April 13th of a measure that would preserve about seven million acres by creating three new national parks and 74 wilderness areas.

Senator Minority Leader Bob Dole of Kansas acknowledged the tradition of going along with both senators from a state. But he opposed the desert bill, emphasizing that "our former colleague and the current governor or California, Pete Wilson, has serious objections to the bill. As well, all four members of the U. S. House of Representatives who represent the area in question are opposed to the bill in its present form."

Boxer came to the Senate from the House with a far stronger environmental reputation than Feinstein, who had favored big development interests over slow-growth environmentalists as San Francisco mayor. But Boxer ceded top billing in the fight for the desert bill so that Feinstein could have that accomplishment on her resume when facing re-election this year. During Senate debate on the bill, Boxer generously referred to Feinstein as "my friend and leader on this issue."

At times, the Senate debate reflected the vast majesty of the California desert. At one point, Feinstein sang the praises of the Mojave National Park that the legislation would create: "The park will just be an incredible place. There will be mountain ranges, dry lakes, cinder cones, badlands, washes, mesa, buttes, lava beds, caves and ... one of the most complex sand dune systems anywhere."

But much of the debate and the maneuvering behind the scenes, was far more prosaic.

To win passage of the measure in the Senate, Feinstein made compromises all along the way that Cranston would never consider — provisions that would allow livestock grazing forever in the protected desert while preserving the desert claims of mining companies, private property owners and off-road vehicle enthusiasts.

Over the years, Wilson and other Republican opponents of the desert bill had portrayed its champions as environmental elitists eager to ride roughshod over the rights of hard-toiling desert ranchers and working-class desert vacationers in their RVs. In the Senate, however, opponents of Feinstein's bill were out-of-staters looking at the budgetary bottom line. They argued that the National Park Service was far too short of funds to care for the land already in its care, that parks in other states would only be shortchanged. Most of those complaints came from Republicans — with the telling exception of powerful Senate Appropriations Committee Chairman Robert C. Byrd, a West Virginia Democrat. "One does not go out and buy a Cadillac when one cannot make payments on the family Ford," Byrd complained before voting against Feinstein's bill. Byrd once again seemed to be nursing a formidable grudge against Feinstein. As noted previously in this space, Feinstein is a junior member of Byrd's committee who dared to cross him by voting for the balanced-budget amendment that he despises.

Supporters of the desert bill countered that almost 94 percent of the land that would be protected is already federally owned and maintained, if at a lesser level of environmental protection. When the companion version of he desert bill went to the House Natural Resources Committee on May 4th, the same arguments were reprised before Chairman George Miller, a Martinez Democrat, who gaveled through the measure on a 28-14 party line vote. Promising that the new Mojave park would bring a bonanza of tourism and recreation activities, committee member Bruce Vento, a Minnesota Democrat, said, "This is a dramatic effort to restore some of the gold to the Golden State." But Republican Ken Calvert of Riverside said the measure would cost jobs in his region by limiting commercial activities in the desert: "We've already been hit by base closing, and we cannot afford another blow."

Miller pushed to restore some of the compromises that had been forced on Feinstein, adding back some acreage that had been removed in the Senate and crafting a provision that would allow the secretary of the Interior to phase out grazing in the desert.

THE CONGRESSMAN ALSO STEERED THE MEASURE through the House's jurisdictional thicket. For example, he said he would move on the House floor to add a provision assuring law-enforcement officials leeway to hunt illegal immigrants throughout the protected desert. Feinstein had accepted that politically popular provision on the Senate floor, but Miller noted that adding similar language in his committee would have forced the bill to travel through all of the House committees that claim jurisdiction over immigration and law-enforcement issues.

As *California Journal* went to press, the bill was awaiting action on the House floor. The biggest showdown was expected to come on an amendment, rejected in the Senate, to permit hunting in the Mojave park. This fight pitted Feinstein against an arch-enemy as formidable as Byrd: the National Rifle Association, whose leaders she had bested only weeks earlier. In a surprise victory for Feinstein during debate of the year's omnibus anti-crime legislation, the House voted to match her provision in the Senate version that would ban a number of assault weapons.

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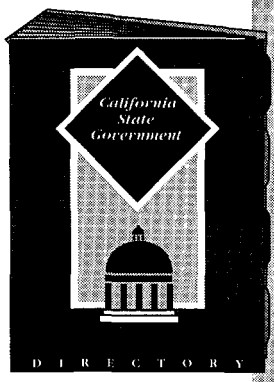

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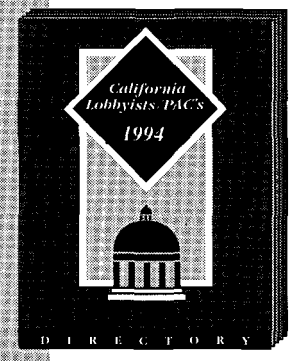

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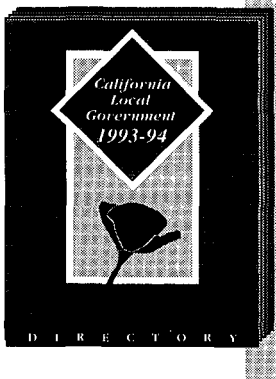

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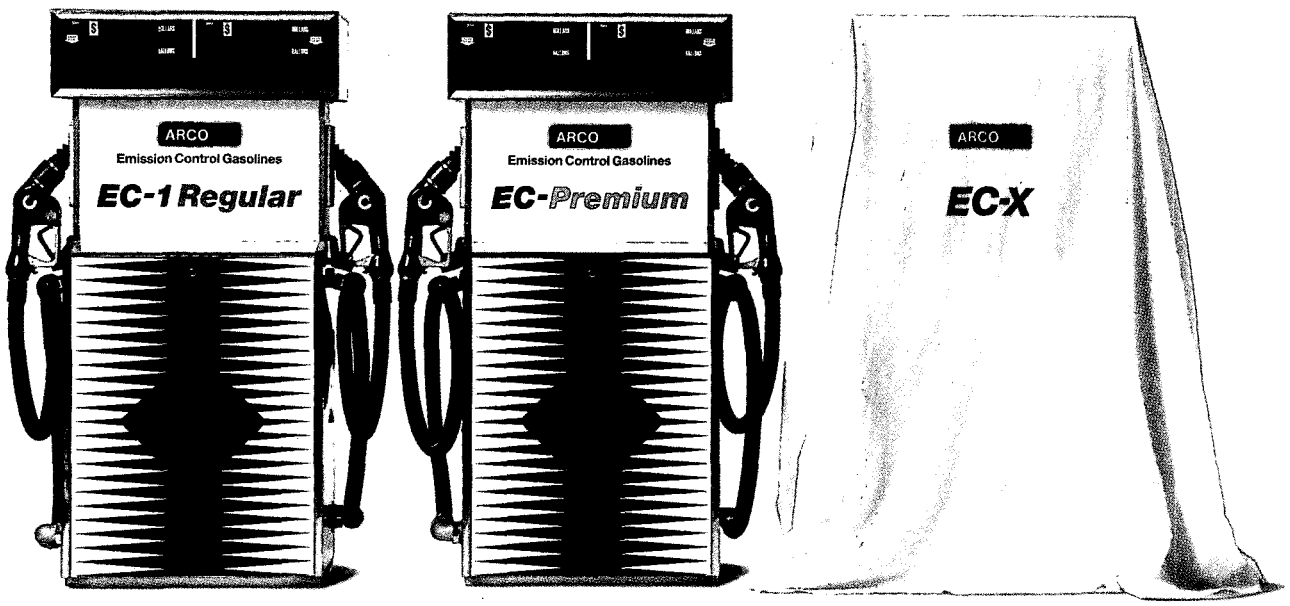

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